



DEPARTMENT OF PERSONNEL


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TO: All State Agencies

ATTN: Designee for Personnel Rules Distribution

FROM:  Sharon P. Murphy, Director
Department of Personnel

SUBJECT: REVISION #2, RULES FOR PERSONNEL ADMINISTRATION

Enclosed is Revision #2 to the *Rules for State Personnel Administration* which reflects the regulation changes adopted by the Personnel Commission on September 9, 1997. Please ensure everyone on your distribution list receives a copy. This revision can be added to your rule books by replacing an existing page with a similar page or by inserting additional pages.

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Enclosure

NEVADA ADMINISTRATIVE CODE

CHAPTER 284

STATE PERSONNEL SYSTEM

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GENERAL PROVISIONS

NRS 284.010 states, "Legislative declaration of purpose.

1. The legislature declares that the purpose of this chapter is:
 - (a) To provide all citizens a fair and equal opportunity for public service;
 - (b) To establish conditions of service which will attract officers and employees of character and ability;
 - (c) To establish uniform job and salary classifications; and
 - (d) To increase the efficiency and economy of the agencies in the executive department of the state government by the improvement of methods of personnel administration.
2. The legislature declares that, in its considered judgment, the proper administration of the executive department of our state government requires the enactment of this chapter."

NRS 284.013 states in part, "Applicability; terms and conditions of employment of exempted persons; written contracts required for certain services.

1.this chapter does not apply to:
 - (a) Agencies, bureaus, commissions, officers or personnel in the legislative department or the judicial department of state government, including the commission on judicial discipline;
 - (b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS; or
 - (c) Officers or employees of any agency of the executive department of the state government who are exempted by specific statute."

NRS 284.022 states, "Inclusion of employees of certain governmental agencies in state personnel system. The department may include within the personnel system all employees of any governmental agency acquired for administration by the state."

284.010 Definitions.

As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 284.022 to 284.112, inclusive, have the meanings ascribed to them in those sections.

(Supplied in codification; A by Dep't of Personnel, 10-26-84; 4-19-88; 8-1-91; 7-6-92; 3-23-94)

284.022 "Appointing authority" defined.

"Appointing authority" means an official, board or commission having the legal authority to make appointments to positions in the state service, or a person to whom the authority has been delegated by the official, board or commission.

[Personnel Div., Rule I Section D subsec. 3, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.023 "Appointment" defined.

"Appointment" means the acceptance by an applicant of an offer of employment by an appointing authority and their mutual agreement as to a date of hire.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.026 "Break in service" defined.

"Break in service" means any separation from state service except for those separations listed in NAC 284.598.

[Personnel Div., Rule I Section D subsec. 4, eff. 8-11-73]

284.028 "Center for assessment" defined.

"Center for assessment" means a method of examination based upon an assessment and rating process which uses a series of oral, written and performance exercises.

(Added to NAC by Dep't of Personnel, eff. 11-12-93)

284.030 "Class" defined.

"Class" means a group of positions sufficiently similar with respect to their duties and responsibilities that the same title may be reasonably and fairly used to designate each position allocated to the class, substantially the same tests of fitness may be used, substantially the same minimum qualifications may be required and the same schedule of compensation may be applied with equity.

[Personnel Div., Rule I Section D subsec. 5, eff. 8-11-73]

284.034 "Class series" defined.

"Class series" means the normal line of progression from training, entry or preparatory levels to supervisory or administrative levels within a job specialty so that the minimum qualifications, tests of fitness and the duties and responsibilities of each class are similar but different in level.

[Personnel Div., Rule I Section D subsec. 6, eff. 8-11-73]

284.036 "Class specification" defined.

"Class specification" means a written description of a class, consisting of a title, a definition, examples of duties and the minimum qualifications which are required.

[Personnel Div., Rule I Section D subsec. 7, eff. 8-11-73]

284.038 "Classification" defined.

"Classification" means the systematic process of analytically grouping and allocating positions to classes based on the similarity of actual duties and responsibilities.

[Personnel Div., Rule I Section D subsec. 8, eff. 8-11-73]

284.042 "Classification plan" defined.

"Classification plan" means a listing of all the classes which have been established, the class specifications and the grade to which each is assigned.

[Personnel Div., Rule I Section D subsec. 9, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

NRS 284.150 states in part, "Classified service: Composition;...

1. The classified service of the State of Nevada is comprised of all positions in the public service now existing or hereafter created which are not included in the unclassified service, and which provide services for any office, department, board, commission, bureau, agency or institution in the executive department of the state government operating by authority of the constitution or law and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources."

284.050 "Commission" defined.

"Commission" means the personnel commission.

(Supplied in codification; A by Dep't of Personnel, 10-26-84)

284.051 "Committee" defined.

"Committee" means the employee-management committee.

(Supplied in codification)

284.0525 "Continuous service" defined.

"Continuous service" means service which is not broken by a separation except for those separations listed in NAC 284.598.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.053 "Date of hire" defined.

"Date of hire" means the date an employee begins or, after a break in service, resumes his paid employment with the state.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.0535 "Day" defined.

"Day" means a calendar day.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.054 "Demotion" defined.

"Demotion" means any movement of an employee to a class having a lower grade than the class previously held.

[Personnel Div., Rule I Section D subsec. 11, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.055 "Department" defined.

"Department" means:

1. An agency in the executive branch of state government which is designated as a department by statute;
2. The University and Community College System of Nevada; and
3. Any state board or commission which employs classified workers.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.056 "Director" defined.

"Director" means the director of the department of personnel.

[Personnel Div., Rule I Section D subsec. 1, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84) -- (Substituted in revision for NAC 284.014)

284.058 "Eligible person" defined.

"Eligible person" means any person who applies, is eligible, competes and successfully passes all phases of an examination and is placed on an appropriate eligible list.

[Personnel Div., Rule I Section D subsec. 12, eff. 8-11-73]

284.062 "Employee" defined.

"Employee" means a person legally holding a position in the public service as defined in NRS 284.015.

[Personnel Div., Rule I Section D subsec. 13, eff. 8-11-73]

284.063 "Entry level" defined.

"Entry level" means the lowest class within a class series. Where a trainee level exists the term includes both the trainee and next higher level.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.0635 "Essential functions of a position" defined.

"Essential functions of a position" means the functions that a person who holds the position must be able to perform unaided or with the assistance of reasonable accommodation.

(Added to NAC by Dep't of Personnel, eff. 7-6-92)

INFORMATIONAL NOTE: NRS 284.148 "Unclassified and classified service: Persons exempt pursuant to Fair Labor Standards Act of 1938; determination of exempt positions by department." may be found preceding NAC 284.242.

284.0637 "Excluded classified employee" defined.

"Excluded classified employee" means an employee in the classified service described in subsection 2 of NRS 284.148.

(Added to NAC by Dep't of Personnel, eff. 3-23-94)

284.0638 "Excluded unclassified employee" defined.

"Excluded unclassified employee" means an employee in the unclassified service described in subsection 1 of NRS 284.148.

(Added to NAC by Dep't of Personnel, eff. 3-23-94)

284.064 "Full-time employment" defined.

"Full-time employment" means a work schedule which is at least 40 hours per week or 80 hours biweekly.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 9-13-91)

284.066 "Grade" defined.

"Grade" means the designation of a salary range for a class.

[Personnel Div., Rule I Section D subsec. 15, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.0665 "Individual classification study" defined:

"Individual classification study" means a classification study initiated by an employee of this state, an agency of this state or the department of personnel which is based upon a new position or a significant change that has occurred in an existing position.

(Added to NAC by Dep't of Personnel, eff. 10-27-97)

284.067 "Innovative workweek" defined.

"Innovative workweek" means a work schedule that differs from a standard or nonstandard workweek.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.069 "Journey level" defined.

"Journey level" means the level of performance within an occupational specialty that requires independent action, analysis and interpretation.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.070 "Nonclassified employee" defined.

"Nonclassified employee" means an employee in the judicial or legislative branch of state government.

[Personnel Div., Rule I Section D subsec. 17, eff. 8-11-73]

284.072 "Nonstandard workweek" defined.

"Nonstandard workweek" means a work schedule of five shifts with the same number of hours each day and a maximum of 40 hours per week throughout the year. The work schedule is other than Monday through Friday.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.073 "Occupational study" defined.

"Occupational study" means a classification study of a group of positions in related classes and class series which is initiated by the department of personnel and subsequently approved by the commission.

(Added to NAC by Dep't of Personnel, eff. 10-27-97)

284.076 "Permanent employee" defined.

"Permanent employee" means an employee who has successfully completed the probationary period for any class he has held during continuous classified service. The term does not include a person serving a new probationary period as required by subsection 6 of NAC 284.630 or subsection 2 of NAC 284.6018.

(Added to NAC by Dep't of Personnel, eff. 8-1-91; A 3-1-96)

284.078 "Permanent status" defined.

"Permanent status" means the standing an employee achieves in a class when:

1. He has successfully completed the probationary period for the class; or
2. His appointment does not require a new probationary period and he does not hold another type of status of appointment for the class.

[Personnel Div., Rule I Section D subsec. 20, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.081 "Person with a disability" defined.

"Person with a disability" means a person who:

1. Has a physical or mental impairment that substantially limits one or more of his major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment by another person.

(Added to NAC by Dep't of Personnel, eff. 7-6-92)

284.086 "Position" defined.

"Position" means a group of duties and responsibilities that have been assigned to a single job.

[Personnel Div., Rule I Section D subsec. 21, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.088 "Promotion" defined.

"Promotion", except as otherwise provided in NAC 284.462, means an advancement to a position in a class which has a higher grade than the class previously held.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.090 "Promotional appointee" defined.

"Promotional appointee" means any employee who has remained continuously employed in the state service but has not yet completed the probationary period which is designated for the class to which he has been promoted.

[Personnel Div., Rule I Section D subsec. 23, eff. 4-14-76] -- (NAC A by Dep't of Personnel, 10-26-84)

284.091 "Qualified person with a disability" defined.

"Qualified person with a disability" means a person with a disability who:

1. Has the skills, experience, education and other requirements for employment in a specific position which the person holds or desires; and
2. Can perform the essential functions of the position unaided or with reasonable accommodation.

(Added to NAC by Dep't of Personnel, eff. 7-6-92)

284.092 "Reallocation" defined.

"Reallocation" means the assignment of a class to a higher grade or a lower grade.
(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.093 "Reappointment" defined.

"Reappointment" means a noncompetitive appointment of an employee to a class he formerly held or to a comparable class.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91)

284.0935 "Reasonable accommodation" defined.

"Reasonable accommodation" means the modification or adjustment of the process of applying for a position, the functions of a position or the environment at work so a qualified person with a disability has an opportunity to attain the same level of performance or to enjoy the benefits and privileges of employment that are available to a similarly situated person without a disability.

(Added to NAC by Dep't of Personnel, eff. 7-6-92)

284.094 "Reclassification" defined.

"Reclassification" means a reassignment or change in allocation of a position by:

1. Raising it to a class with a higher grade;
2. Reducing it to a class with a lower grade; or
3. Moving it to another class at the same grade

on the basis of significant changes in kind, difficulty or responsibility of the work performed.

[Personnel Div., Rule I Section D subsec. 23, eff. 8-11-73; renumbered as subsec. 24, 4-14-76] -- (NAC A by Dep't of Personnel, 10-26-84)

284.095 "Reemployment" defined.

"Reemployment" means a noncompetitive appointment of a current or former employee to a class for which he has reemployment rights, as provided in this chapter, because of military service, layoff, a permanent disability arising from a disability related to work, seasonal separation, reallocation or reclassification of his position to a lower grade.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 3-1-96)

284.0955 "Rehire" defined.

"Rehire" means any appointment to the classified service following a separation from the classified service.

(Added to NAC by Dep't of Personnel, eff. 4-19-88)

284.096 "Reinstatement" defined.

"Reinstatement" means a noncompetitive appointment of a former permanent employee to a class he formerly held or to a comparable class.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91)

284.116 Computation of time.

In computing a period of time mentioned in this chapter, the day of the act or event from which the period begins is not counted and the last day is counted unless the last day is a Saturday, Sunday or state holiday. If the last day is a Saturday, Sunday or state holiday, the period ends on the next day that is not a Saturday, Sunday or state holiday.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.120 Adoption by reference of federal law, regulations and manual regarding persons with disabilities.

1. For the purposes of determining the meaning of "essential functions of a position," "person with a disability," "qualified person with a disability" and "reasonable accommodation," the department hereby adopts by reference and will refer to:
 - (a) The Americans with Disabilities Act of 1990 (Public Law 101-336).
 - (b) The provisions of 29 C.F.R. Part 1630.
 - (c) The Technical Assistance Manual for the Americans with Disabilities Act.
2. A copy of the materials adopted by reference pursuant to this section may be obtained at no charge from the United States Equal Employment Opportunity Commission Publications Information Center, P.O. Box 12549, Cincinnati, Ohio 45212-0549, (800) 669-3362 or (800) 800-3302.

(Added to NAC by Dep't of Personnel, eff. 7-6-92; NAC A by Dep't of Personnel, eff. 10/27/97)

284.122 Severability.

If any of the provisions of this chapter are held, for any reason, to be invalid, it is intended that the validity of the remaining provisions not be affected thereby.

[Personnel Div., Rule XVIII, eff. 8-11-73]

CLASSIFICATION

NRS 284.160 states, "Classification plan for classified service; changes in plan; procedure for making certain changes without approval of commission."

1. The director shall prepare, maintain and revise as necessary a classification plan for all positions in the classified service, based upon similarity of duties and responsibilities, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class.

2. The duty of the director to classify extends to all offices, employments and positions held by persons who may become members of the classified service under the provisions of this chapter.

3. The director may, after consultation with the head of a department or agency, make changes in the classification of positions whenever he deems it necessary for the efficiency of the public service.

4. The classification plan and changes therein are subject to approval by the commission, except that the director may make a change in the classification plan without the prior approval of the commission if:

(a) The director deems it necessary for the efficiency of the public service;

(b) The change is not proposed in conjunction with an occupational study; and

(c) The director, at least 20 working days before acting upon the proposed change:

(1) Provides written notice of the proposal to each member of the commission, to all departments and to any head of an employees' organization who requests notice of such proposals; and

(2) Posts a written notice of the proposal in each of the principal offices of the department of personnel.

Any occupational study conducted by the department in connection with the preparation, maintenance or revision of the classification plan must be approved by the commission.

5. If no written objection to the proposed change to the classification plan is received by the director before the date it is scheduled to be acted upon, the director may effect the change. The director shall report to the commission any change in the classification plan made without its approval at the commission's next succeeding regular meeting.

6. If a written objection is received before the date the proposed change is scheduled to be acted upon, the director shall place the matter on the agenda of the commission for consideration at its next succeeding regular meeting."

NRS 284.165 states in part, "Allocation of positions;..."

1. As soon as practicable and after consultation with appointing authorities and principal supervisory officials, the director shall allocate the position of every employee in the classified service to one of the positions in the position classification plan."

NRS 284.170 states, "Establishment of titles, grades for each class of employment."

1. Titles and grades shall be established for each class of employment for use in examining and certifying the names of persons for appointment under this chapter; and a description of the duties and responsibilities exercised by the persons appointed to each of them shall be drawn up; and minimum qualifications shall be specified for satisfactory performance of the duties of each grade and class.

2. The titles and grades in the several classifications as defined by the specifications of duties and qualifications shall be used for original appointments, promotions, payrolls and all other records affecting the status of personnel."

NRS 284.171 states, "Index of broad occupational classes. For the purposes of NRS 353.205 and 353.224, the director shall prepare and maintain an index which categorizes all positions in the classified and unclassified services of the state into the following broad occupational classes:

1. Occupations in the fields of agriculture and conservation.
2. Clerical and related occupations.
3. Occupations relating to custodial and domestic services.
4. Occupations relating to library services.
5. Occupations in the field of education.
6. Engineering and allied occupations.
7. Occupations in fiscal management and related staff services.
8. Occupations relating to legal services.
9. Occupations in the mechanical and construction trades.
10. Occupations in the fields of medicine and health and related services.
11. Occupations in regulatory fields and in public safety.
12. Occupations in social services and rehabilitation.
13. Other occupations."

NRS 284.172 states, "List of positions in classified service primarily performing data processing; approval of new position or reclassification to position on list.

1. The director shall prepare, maintain and revise as necessary a list of all positions in the classified service that consist primarily of performing data processing.
2. The request of any appointing authority that is required to use the equipment or services of the department of information services for a new position or the reclassification of an existing position to a position included on the list required by subsection 1 must be submitted to the director of the department of information services for approval before submission to the department of personnel."

NRS 353.224 states in part, "Approval of legislature or interim finance committee required for certain changes of positions.

1. A state agency other than the University and Community College System of Nevada and vocational licensing boards may not change a position for which money has been appropriated or authorized from one occupational class to another, as defined by the index developed pursuant to NRS 284.171, without the approval of the legislature or of the interim finance committee."

284.126 Creation of a new class, reclassification of position or reallocation of existing class.

1. For the purposes of this section:
 - (a) "Agency personnel officer" means the director of personnel within the University and Community College System of Nevada or any person holding a position in the classified service with the title of personnel officer.
 - (b) "Significant change" means a change in the duties and responsibilities assigned to a position in a class that:
 - (1) Is outside of the scope of the class as described by the class specification;
 - (2) Is not part of the scope of responsibility of the position; and
 - (3) Results in the preponderance of duties and responsibilities being allocated to a different class.
2. If an appointing authority or an employee proposes the creation of a new class, a reclassification of a position to a different class, or the reallocation of an existing class based upon a gradual accumulation of duties and responsibilities which results in a significant change and is intended to be permanent, the department of personnel or agency personnel officer must be notified on the appropriate form. If the creation, reclassification or reallocation is approved, the department of personnel will allocate the position to one of the existing classes in the classification plan or to a new,

revised, or reallocated class as appropriate. The effective date will be the date on **which** form NPD-19 is received by the department of personnel or agency personnel officer unless information **concerning the qualifications of the incumbent or information** which substantially affects the decision concerning the creation, reclassification or reallocation is received after this date. In that case, the effective date will be the date on which the appropriate information necessary to make the decision is received. If the form was prepared but delayed due to administrative or clerical error, the effective date must be determined by the appointing authority and must be based upon the date the form should reasonably have been submitted to the department of personnel or agency personnel officer. In no case, however, may a retroactive adjustment because of an administrative or clerical error exceed 6 months from the date of receipt.

3. If an agency makes or anticipates making a significant change in the duties for a position or the agency anticipates a reorganization which will require the reclassification of an existing position, the reallocation of an existing class or the creation of a new class, it shall advise the budget division of the department of administration or, in the case of the University and Community College System of Nevada, the budget division of the applicable institution. The proposed change may not be required of an employee nor be submitted to the department of personnel until funding for it is approved. If the change is approved by the department of personnel, the effective date will be determined by the budget division.
4. **In effecting a reclassification pursuant to subsection 2 and 3, the appointing authority must review and take into consideration the organizational structure and the qualifications of the incumbent before assigning new duties to a position which are intended to be permanent. No position will be reclassified to a higher grade through the individual classification process if the incumbent does not meet the minimum qualifications for the higher level position.**
5. The establishment of a new class, or reallocation of a class or a class series based on an occupational study conducted by the department of personnel, becomes effective when the funding is provided by the Nevada legislature in the biennial operating budget for the state.
6. From the date that the department of personnel formally announces the beginning of an occupational study until the date that the occupational study is funded by the Nevada legislature:
 - (a) An existing position in the occupational study that has a significant change may only be reclassified to an existing class.
 - (b) An existing class in the occupational study must not be reallocated to a different pay grade.
 - (c) A new position may be allocated to an existing class or a new class as determined by the department of personnel.

[Personnel Div., Rule II Section D, subsec. 1, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 8-14-90; 12-26-91; 11-16-95; 10-27-97)

284.130 Investigations of classifications.

The department of personnel may investigate the classification of any existing position on the written request of an appointing authority or an employee or on its own initiative.

[Personnel Div., Rule II Section E, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.132 Temporary classifications.

1. An appointing authority, an employee or the department of personnel may request a temporary classification which allows the classification of a position for a temporary period of 1 year **or less**. Each promotion which is designated as temporary must have specific criteria established which justify the grade of the position and the projected date of expiration of the period. A position which no longer meets this criteria will revert back to the class from which it was reclassified. This method of classification is subject to the following conditions:
 - (a) Temporary classifications must meet the allocation standards and the criteria established for the higher class before this method may be used. The classification must be approved by the department of personnel before the promotion.
 - (b) An employee who is promoted into a temporary class must sign the payroll document. This signature acknowledges that the employee understands the conditions of the reclassification and its projected date of expiration.
 2. **If the employee meets the minimum qualifications for the temporary classification, he:**
 - (a) **Must be promoted;**
 - (b) **Retains his status of appointment; and**
 - (c) **Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.**

An incumbent who has reverted to his previous class is entitled to the step, date of record and status of appointment as though he had not been promoted.
 3. **An employee who is promoted pursuant to this section must receive a new date of record if his promotion results in an increase of at least two grades. The rate of compensation for the employee will be determined in accordance with the provisions of NAC 284.170 governing compensation on promotion.**
 4. In case of a layoff, the temporarily assigned employee's class of layoff is his former class. The time served in the temporary class is counted for seniority purposes if it was in the same occupational class, as provided in NRS 284.171.
- (Added to NAC by Dep't of Personnel, eff. 10-26-84) — (NAC A by Dep't of Personnel, 10-27-97)

284.134 Individual reclassification of position to higher level: Status of incumbents.

1. An incumbent who meets the minimum qualifications for an individual reclassification as provided in NAC 284.126 may be reclassified to a higher level. If the incumbent's position is reclassified as a result of an individual classification study, the incumbent will continue to serve in the position and he:
 - (a) **Must be promoted;**
 - (b) **Retains his status of appointment; and**
 - (c) **Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.**
 2. **An employee who is reclassified pursuant to this section must receive a new date of record if his promotion results in an increase of at least two grades. The rate of compensation will be determined in accordance with the provisions of NAC 284.170 governing compensation on promotion.**
- [Personnel Div., Rule II Section F subsecs. 1 & 2, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 10-27-97)

284.138 Reclassification or reallocation of class or position to higher grade: Status of incumbents.

1. Except as otherwise provided in **subsections 3 and 4**, if a class or a position within a class is reclassified or reallocated to a higher grade **as a result of an occupational study**, the incumbent will continue to serve in the position and he:
 - (a) Must be promoted;
 - (b) Retains his status of appointment;
 - (c) **Retains his date of record; and**
 - (d) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.
2. The rate of compensation for employees who are promoted will be determined **in accordance with** the provisions of NAC 284.170 **governing compensation on promotion.**
3. The provisions of subsection 1 do not apply to an incumbent who is filling a position in a class which is at a lower grade than the authorized level of the position unless the class held by the incumbent is reclassified or reallocated to a higher grade.
4. **If a position is reclassified to a higher grade in a different occupational class, the employee must meet the minimum qualifications of the higher level position before he is promoted. If the employee does not meet the minimum qualifications, he must not be promoted, the position will be temporarily reclassified per NAC 284.132 and the employee may be eligible for a special salary adjustment as provided in NAC 284.206. If the employee does not meet the minimum qualifications within 1 year after the effective date of the reclassification, the duties must be reassigned and the position must be reclassified accordingly.**

[Personnel Div., Rule II Section F subsec. 4, 8-11-73; A 10-6-78] -- (NAC A by Dep't of Personnel, 10-26-84; 8-1-91; 12-26-91; 9-16-92; 10-27-97)

284.140 Reclassification of a class or position to a lower grade: Status of incumbents.

1. If a class or position is reclassified to a lower grade, the incumbent's title and grade must be changed to the new class. He will retain his status of appointment and date of record. The rate of compensation will be determined by the provisions of NAC 284.290 governing compensation on retained rates or, if the employee does not meet these requirements, by the provisions of NAC 284.170 governing compensation on demotion.
2. The employee is eligible for reappointment to the same or a similar class from which he was reclassified.
3. The employee is entitled to reemployment rights to his former class and option in his department for 1 year from the date of notification of the reclassification to the lower grade if the employee and the agency provide the necessary information regarding the employee's seniority on the prescribed form.
4. If the employee is receiving a retained rate of pay and he declines the first opening which is offered to him for his previous class in his department and location, he forfeits his reemployment rights to the former class and must be immediately reclassified to the lower grade and the provisions of this chapter governing the salary of an employee on demotion apply.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.150 Class specifications.

1. Class specifications will define a class based on a sound, systematic occupational analysis and evaluation of the position and will contain elements sufficient to distinguish the various classes from one another. The use of a particular expression or illustration as to duties must not be interpreted to exclude others not mentioned but that are of similar kind and relevant to the class.

- (1) The first step in the grade of the class to which he was demoted; or
 - (2) A step in the grade of the class to which he was demoted which is equivalent to the salary to which he would have been entitled had he not been promoted,whichever is greater.
 - (d) If the demotion is instituted by the appointing authority for disciplinary reasons and is not covered by paragraph (c), the appointing authority must determine the step in the lower grade at which the employee will be paid.
 - (e) Except as otherwise provided in this paragraph, if the demotion occurs during the initial probationary period in state service, the employee must be placed at the first step in the class to which he is demoted. If such a demotion occurs because of a displacement due to a layoff or the restoration of an employee pursuant to NRS 284.300, the appointing authority may pay the demoted employee at any step in the lower grade that is not greater than his present salary.
4. If an employee is transferred to a position in the same or a related class, he must be placed at the corresponding step in the same grade that he held before the transfer. Any exception to this subsection must be approved by the department of personnel based upon a written request and justification for the exception submitted by the appointing authority.
5. If an employee is reappointed to a position:
- (a) Which is in the grade which he currently holds, he retains his step.
 - (b) Which is in a higher grade and the appointment occurs within 1 year after the date on which he last held the grade, he must be placed at the step which he last held in that grade.
 - (c) Which is in a higher grade and the reappointment occurs more than 1 year after he held that grade, his salary must be calculated pursuant to subsection 2.
- Any exception to this subsection must be approved by the department of personnel based upon a written request and justification for the exception submitted by the appointing authority.
6. Except as otherwise provided in subsection 7, if a person is reemployed at:
- (a) The same grade, there must be no change in step.
 - (b) A lower grade, he must be placed at a step which most closely corresponds to the grade and step which he held at the time of his layoff or separation.
 - (c) A higher grade and the appointment occurs within 1 year after the date on which he last held the grade, he must be placed at the step which he last held in that grade.
- An exception to this requirement may be made if the conditions in NAC 284.204 or 284.206 exist, or if money is not available as certified by the chief of the budget division of the department of administration or, in the case of an agency that is not funded from the state general fund or the University and Community College System of Nevada, as certified by the administrator of that agency or system. If an exception is made pursuant to this subsection, the employee retains his right of reemployment.
7. If a person who is eligible for military reemployment is reemployed, the period of his military service must be included in calculating the step at which he will be placed.
8. An employee who has been continuously employed without a break in service may not have his salary set below:
- (a) Step 7 of any grade if his date of hire is before April 26, 1973; or
 - (b) Step 5 of any grade if his date of hire is before May 3, 1975, but on or after April 26, 1973, except for disciplinary reasons which result in demotion.
9. When a nonclassified or unclassified employee or an employee included in the personnel system pursuant to the provisions of NRS 284.022 is appointed without a break in service to the classified service, he may, at the discretion of the appointing authority:

- (a) Be paid at a step which corresponds to or is below his current rate of pay if it is within the grade of the class to which he is appointed;
 - (b) Be paid at the first step in the new grade to which he is appointed; or
 - (c) Receive a special adjustment to his salary pursuant to subsection 1 of NAC 284.204 or 284.206.
10. An employee who was previously employed in the classified service and is appointed pursuant to the provisions of subsection 9 may not be paid at a step and grade which is greater than he received at the time he left the classified service, unless he has held the unclassified or nonclassified position for more than 1 year.

[Personnel Div., Rule III Section F, eff. 8-11-73; A 10-6-78] -- (NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 7-22-87; 9-17-87; 12-17-87; 7-21-89; 8-14-90; 8-1-91; 7-6-92; 3-23-94; 7-1-94; 3-1-96)

284.174 Eligibility for increase in salary based upon merit.

- 1. An employee whose last performance rating was standard or better and who has not attained the top step of his grade must receive an increase in his salary based upon merit of one step on his date of record and each year thereafter of employment equivalent to full-time service.
- 2. An employee with a substandard performance rating is not eligible for an increase in his salary based upon merit.

[Personnel Div., Rule III part Section G, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 11-16-95)

284.182 Date of record: Adjustment and retention of date.

- 1. Except as otherwise provided in this section, an employee's date of record is 1 year of employment equivalent to full-time service from the date of the employee's appointment to his current grade.
- 2. An employee who receives a promotion or **an individual** reclassification that does not include the rest of his class and results in an increase of at least two grades must receive a new date of record.
- 3. If an employee is in a position that is reclassified upward as a result of an occupational study, he retains his date of record.
- 4. An employee who is reinstated must receive a new date of record.
- 5. An employee who is demoted retains his date of record. If an employee was promoted but is being restored to his former position pursuant to the provisions of NAC 284.462, the date of appointment and date of record of the former position must be restored.
- 6. If an employee transfers to a position without receiving an increase in grade or is reappointed to a position at a grade he formerly held, he retains his date of record.
- 7. An employee's date of record must be adjusted for the amount of time in excess of 240 hours or, in the case of an excluded classified employee, 30 working days, that he spends on leave without pay and on catastrophic leave, combined, in a year, except for leave without pay pursuant to NRS 281.390 or **NRS 284.365** or NAC 284.580. An employee whose regular work schedule is more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the number of hours that his regular work schedule exceeds 80 hours biweekly. For the purpose of this subsection, the year begins on the employee's most recent date of appointment except when there is a retained date of record. In that instance, the year begins 1 year before the retained date of record. Each subsequent year begins on the date the employee attains his date of record.
- 8. A person who is rehired within 1 calendar year after having been laid off or received a seasonal separation will have his date of record adjusted on a day-for-day basis for the time during which he was not employed.
- 9. A person with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on

which he sustained the permanent disability as determined pursuant to NAC 284.6013 will have his date of record adjusted on a day-for-day basis for the time during which he was not employed.

10. If a person is reemployed and has remained continuously employed, he retains his date of record.
11. If a person eligible for military reemployment is reemployed, he retains the date of record held when he separated from the state for his service in the military.
12. An employee who changes from working full-time to part-time or from part-time to full-time must have his date of record adjusted to equal 1 year of service equivalent to full-time service.
13. Service in:
 - (a) Provisional, temporary, special disabled and emergency status must be credited toward eligibility for an increase in salary based on merit if it is immediately followed by a probationary or permanent status.
 - (b) A seasonal position which is probationary or permanent must be credited toward eligibility for an increase in salary based on merit. If an incumbent's status of appointment is other than probationary or permanent, the provisions in paragraph (a) apply. An incumbent in a seasonal position must complete 1 year of employment equivalent to full-time service with the state before he is eligible for the increase.

[Personnel Div., Rule III part Section G, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 8-22-86; 4-19-88; 7-21-89; 10-18-89; 3-27-92; 7-6-92; 9-16-92; 11-16-95; 3-1-96; 10-27-97)

284.186 Date of promotion coinciding with date of record.

If the date of an eligible employee's promotion coincides with his date of record, an increase in salary based on merit must be granted first and the promotional increase must be applied to the higher rate.

[Personnel Div., Rule III part Section G, eff. 8-11-73; A 4-14-76] -- (NAC A by Dep't of Personnel, 10-26-84)

NRS 284.307 states, "Automatic advancement of person in training or preparatory position. An employee who holds a position classified as a training or preparatory position may advance automatically to a position having a higher classification after he meets the minimum qualifications for the higher classification and receives the recommendation of the appointing authority for that advancement."

284.190 Automatic advancement.

1. For the purposes of this section, "automatic advancement" means the progression of an employee to the authorized grade of the position, but not exceeding the journey level.

Automatic advancement occurs without recruitment and may occur without examination. It is based upon the employee's:

 - (a) Meeting of the minimum qualifications;
 - (b) Satisfactory performance; and
 - (c) Endorsement by his appointing authority.
2. In determining the status of an employee who has been promoted by an automatic advancement:
 - (a) The provisions in subsection 2 of NAC 284.170, governing compensation on promotion, apply.

- (b) If the employee had attained permanent status in the class from which he was promoted, he retains that status in the new level to which he was promoted. A subsequent promotion other than by automatic advancement places him in probationary status in that class.
- (c) If the employee had not attained permanent status in the class from which he was promoted, he must remain in probationary status in the new level until he has worked in that level for a period equal to the remaining portion of the probationary period that is required for the new level.

[Personnel Div., Rule I Section C subsec. 23, eff. 4-14-76; + Rule III part Section G, eff. 8-11-73; A 4-14-76] -- (NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 11-16-95)

284.194 Granting or withholding of increase in salary based on merit.

1. An employee who is eligible must receive an increase in his salary based on merit of one step on his date of record and each year thereafter of employment equivalent to full-time service until he reaches the top of the grade.
2. An employee who has failed to receive an increase in salary based on merit because of a performance report which rates his performance as substandard is only entitled to receive that increase on the date designated and recorded on a subsequent performance report as the date on which his performance improved to standard or better. If a subsequent performance report is not filed with the director within 30 days after the date required by subsection 4 of NRS 284.340, the employee's performance will be deemed standard and he will be entitled to the increase effective on the date the performance report was due. The date a report is received by the director or an employee of the department of personnel is the date it is filed.
3. If an increase in salary based on merit is withheld as provided in subsection 2, the employee's date of record must not be affected.
4. Except as provided in NAC 284.202, no retroactive payment of an increase in salary based on merit may be given.

[Personnel Div., Rule III part Section G, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 10-18-89; 11-16-95)

284.202 Increase in salary based on merit: Delay because of administrative or clerical error.

If an increase in salary based on merit is delayed solely because of an administrative or clerical error, the increase must be made effective as of the date it was properly due.

[Personnel Div., Rule III part Section G, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.204 Adjustment of steps within same pay grade.

1. The department of personnel may approve an adjustment of steps within the same pay grade to:
 - (a) Meet a difficult recruiting problem if an effort to recruit a person for a position or class has failed to produce applications from at least five eligible persons who are available to work, or the recruitment for the position or class has been deemed historically difficult. Such an adjustment of steps may be approved by the department of personnel for a class for a period of 1 year.
 - (b) Employ a person who possesses qualifications which are superior to those of another eligible person if he possesses experience or education, or both, which exceed:
 - (1) The minimum qualifications of the class; and
 - (2) The experience and education of any other eligible person who is available.

Any experience or education, or both, which is considered by the appointing authority pursuant to this subsection must be given a greater weight for those areas which are directly related to the position than those areas of general education and experience. The rate of salary is negotiable within the grade of the class of the position.

- (c) Maintain an equitable relationship in the status of steps among the employees of the appointing authority if a disparity exists and it is not a condition created solely by differences in seniority. The status of the steps may not be considered for employees:
 - (1) In another agency; or
 - (2) When the difference is a result of an adjustment in salary which was attained in a former class.
- 2. Before granting an adjustment of steps pursuant to this section, the appointing authority must submit a request in writing to the department of personnel which justifies the need for the adjustment. The request must indicate that the appointing authority has:
 - (a) Considered the requirements for the salary and the qualifications of any other eligible person who is available for work;
 - (b) Ensured that the adjustment is feasible on the basis of its fiscal effects;
 - (c) Ensured that the adjustment will not cause inequity in the status of the steps of current employees which would require adjustments in the salaries of those employees which are not feasible on the basis of the fiscal effects of any adjustments; and
 - (d) Prepared and maintained an accurate record of the consideration of the factors listed in this subsection and of the justification of the appointing authority for the adjustment as specified in this section, as appropriate.
- 3. An adjustment of steps which is made pursuant to this section does not constitute a promotion.
- 4. The effective date of an adjustment of steps which is approved by the department of personnel must be determined by the appointing authority. An adjustment of steps cannot be effective before the request is made by the appointing authority.
- 5. An adjustment of steps which is made pursuant to paragraph (a) of subsection 1 must be revoked when:
 - (a) The recruiting problem which caused the adjustment was due to the geographical location of the position; and
 - (b) The employee transfers to an area where a recruiting problem does not exist. The employee must be placed at the step he would have received if he had not received the adjustment.

(Added to NAC by Dep't of Personnel, eff. 8-14-90; A 7-1-94)

284.206 Special adjustments to salaries.

- 1. The department of personnel may approve a special adjustment to a salary equivalent to one grade to recognize conditionally:
 - (a) An employee who works out of his class on a continuing basis and who performs essentially all the duties and responsibilities of a position classified at a higher grade. To receive the increase the employee must:
 - (1) Be assigned duties and responsibilities of the higher grade which are clearly demonstrated in the class specification; and
 - (2) Carry out the duties for at least 16 consecutive workdays before the increase becomes effective.
- The adjustment in salary must not continue for more than 6 months in any 12-month period unless the person is underfilling a position pursuant to NAC 284.437 and recruitment has failed to produce a sufficient number of applicants on the appropriate list.

- (b) An employee required to use bilingual skills or sign language for the deaf at least 10 percent of his work time.
- (c) An employee supervising other employees of the same or a higher grade if the supervision is not of a program or function which is provided for in the specification of the class.
- (d) An employee of the mental hygiene and mental retardation division or the child and family services division of the department of human resources or of the division of the department of prisons which provides mental health services to in-patients, who is required regularly to perform custodial work and clean up human bodily wastes, or, if his principal place of work is located in an assaultive environment as determined by the administrator, to provide medical treatment, maintain buildings, instruct academic courses or provide therapy.

The adjustment will be:

- (1) Granted only when such duties are not required of the class as a whole; and
- (2) Granted only once although the employee performs more than one duty described in this paragraph.

Except as otherwise provided in this paragraph, such an employee who is assigned to the unit located in an assaultive environment for one or more hours but who is not assigned there permanently must also receive the adjustment for each hour and portion thereof he works in the unit. An excluded classified employee who is assigned to the unit located in an assaultive environment for any portion of a workday but who is not assigned there permanently must receive the adjustment for all of his regularly scheduled hours of employment on that workday.

- (e) Except as otherwise provided in this paragraph, an employee who conducts a formal program of training for employees in an occupational class series. The training must:

- (1) Be conducted weekly;
- (2) Consist of training on the job and in the classroom or training only in the classroom;
- (3) Include a test to determine the employee's progress in the program; and
- (4) Result in the award of a certificate of completion or advancement in a training class series to the journey level.

If granted, the adjustment begins when the employee starts conducting the program of training and ends when the program is completed. An adjustment will not be granted if the duty to conduct training is clearly set forth in the class specification. Informal orientation given to new employees in a class series will not be considered for this special adjustment.

- (f) An investigator of the state industrial insurance system who is required by his appointing authority to carry a concealed weapon and to investigate threats of violence against employees of the agency and who has been authorized by the appropriate law enforcement agency to carry a concealed weapon.
- (g) A law enforcement officer who is assigned to motorcycle duty.
- (h) An employee of the department of prisons who regularly supervises, or is responsible for the supervision of a group of inmates assigned to a work area of a prison and who is responsible for implementing security procedures, including, without limitation, securing the work area from inmates who are not authorized to enter, accounting for all inmates who have been assigned to the work area and accounting for all materials, tools and equipment in the work area. This adjustment will be granted only if such duties are not provided for in the class specification.

- (i) An employee who occupies a position in which the duties have been recognized pursuant to a position questionnaire as being at a higher level, but who does not meet the minimum qualifications for promotion to the new grade. The special adjustment may continue in effect from the date the position is reclassified or the position questionnaire is received:
 - (1) Until the employee meets the minimum qualifications and is promoted;
 - (2) For 1 year after the effective date of the special salary adjustment; or
 - (3) Until the date the higher level duties are removed, whichever occurs first.
 - 2. A request for a special adjustment to a salary made pursuant to this section may be initiated by an employee, the appointing authority or the department of personnel.
 - 3. A special adjustment authorized by this section does not constitute a promotion.
 - 4. Any special adjustment made pursuant to subsection 1 must be revoked when the conditions justifying it cease to exist.
 - 5. Except as otherwise provided in this section, the effective date of a special adjustment to a salary is the date the appropriate document is received by the department of personnel. If a special adjustment to a salary is delayed because an administrative or clerical error prevented the delivery of a prepared document to the department, the effective date must be determined by the appointing authority and must be based on the date the document should reasonably have been submitted to the department of personnel. A retroactive adjustment due to administrative or clerical error must not exceed 6 months from the date of receipt of the document.
- [Personnel Div., Rule III Section H, eff. 8-11-73; A 7-3-76] -- (NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 1-26-87; 9-17-87; 12-17-87; 7-14-88; 1-22-90; 8-14-90; 12-26-91; 11-12-93; 3-23-94; 11-16-95; 10-27-97)

284.208 Compensation for dangerous duty or duty involving physical hardship.

- 1. As used in this section:
 - (a) "Dangerous duty" means work performed under such dangerous circumstances that an accident would probably result in serious injury or death.
 - (b) "Duty involving physical hardship" entails extreme physical discomfort which is not adequately alleviated by protective or mechanical devices.
- 2. Except as otherwise provided in this subsection, additional compensation equal to 10 percent of an employee's basic rate of pay must be paid for each hour in which he performs any dangerous duty or duty involving physical hardship. An excluded classified employee who performs any dangerous duty or duty involving physical hardship for any portion of a workday must receive the additional compensation for all of his regularly scheduled hours of employment on that workday.
- 3. The compensation applies only to employees who are subjected to unusual physical hardship or dangerous duties which are not an inherent part of the job and not regularly part of the job. These duties may appear in the job description, but must not be performed with sufficient regularity to constitute an element in fixing the grade of the position.
- 4. Only the following groups, under the conditions described, are entitled to receive pay for dangerous duty:
 - (a) Employees engaged in scuba or skin diving.
 - (b) Employees who perform duties at a height of more than 16 feet above the floor in a building or 16 feet above ground level outside of a building if the work is performed on portable equipment or outside of a railed or protected area.
 - (c) All employees, except pilots, for time spent in single engine aircraft or helicopters when required to do so by the employer.
 - (d) Employees required to handle or use explosives.

(Added to NAC by Dep't of Personnel, eff. 8-26-83; A 10-26-84; 9-17-87; 3-23-94)

284.210 Compensation for differentials in shifts.

1. Except as otherwise provided in this subsection, compensation equivalent to an adjustment of one grade must be authorized for an employee for all hours worked within a work shift if the employee is assigned to a qualifying shift. An excluded classified employee who is assigned to a qualifying shift for any portion of a workday must receive such compensation for all of his regularly scheduled hours of employment on that workday.
2. One shift qualifies an employee to receive the compensation.
3. The compensation applies during the time when an employee is on sick and annual leave, holidays and other leave with pay if the employee is still assigned to that shift when the leave is taken.
4. Any hours exceeding the qualifying 8-hour shift are eligible for overtime at the differential rate of pay for that shift if they are worked by an employee other than an excluded classified employee, in conjunction with, immediately before or following the shift.
5. **A qualifying shift, including the times at which the shift started and ended, must be clearly designated on the employee's time sheet and approved by the employee's supervisor.**
6. As used in this section, "qualifying shift" means a scheduled period of work of at least 8 hours, of which 4 hours must fall within the hours from 6 p.m. to 7 a.m.

[Personnel Div., Rule III Section I, eff. 8-11-73; A 7-3-76] -- (NAC A by Dep't of Personnel, 12-17-87; 7-21-89; 3-23-94; 10-27-97)

284.214 Compensation for being called back to work: compensation for a person required to appear as witness.

1. **Except as otherwise provided in subsection 3, an employee must be credited with 2 hours of call back pay at the rate of time and one-half if his employer calls him back to work on an unscheduled basis without having notified him before the completion of his last normal working day, and overtime for each additional hour if he is eligible therefor pursuant to NRS 284.180.**
2. An employee who is required to appear as a witness in court or at an administrative hearing:
 - (a) During his regularly scheduled time off; and
 - (b) Concerning a matter which relates directly to his job, must be credited with 2 hours of **call back pay** at the rate of time and one-half; **and overtime for each additional hour if he is eligible therefor pursuant to NRS 284.180.** If he receives a witness fee as well as this compensation, he shall relinquish the witness fee to the agency by which he is employed.
3. Subsection 1 does not apply to any:
 - (a) Employee who is **called into work while on standby status.**
 - (b) Excluded classified employee or excluded unclassified employee.
 - (c) Employee who works part-time or intermittently unless he has worked 8 hours in **1 calendar day.**
 - (d) Employee who performs duties pursuant to an understanding with the agency whereby the employee is given discretion as to performance of the duties and the duties are initiated by the action of the employee. In such a case, the employee receives compensation at the appropriate rate only for the actual time spent in the performance of those duties.
 - (e) Employee who is not required to leave the premises where he is residing or located at the time of notification in order to respond to a call.
 - (f) **Employee who is called back to work if:**
 - (1) **The work begins 1 hour or less before or after is scheduled work shift;**
 - (2) **The time for beginning the work is set at the employee's request; or**
 - (3) **The work begins during the same 2-hour period previously credited for call back pay.**

[Personnel Div., Rule III Section J, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 12-13-83; 10-26-84; 9-17-87; 11-12-93; 3-23-94; 10-27-97)

NRS 481.147 states, "Payment for cadet attending authorized training academy and provided with free room and board prohibited. No pay for holding himself ready for duty may be authorized for a cadet attending an authorized training academy for which room and board is provided at no cost to the cadet."

284.218 Compensation for standby status.

1. A classified employee is entitled to receive additional pay, or equivalent compensatory time off, at the rate of 5 percent of his regular hourly rate for every hour he is in standby status.
2. Cash payment is the preferred method of compensation, but compensatory time off must be granted in lieu of cash payment if the employee requests compensatory time and the agency approves the request.
3. An employee is in standby status when he is:
 - (a) Directed to remain available for notification to work during specified hours;
 - (b) Prepared to work if the need arises, although the need for him to work might not arise;
 - (c) Able to report to work within a reasonable time;
 - (d) Directed by his supervisor to carry a paging device, provide a telephone number where he may be notified or provide any other acceptable means for notification; and
 - (e) Allowed to use the time he is waiting for notification to work for his personal pursuits.
4. When an employee begins the performance of his regular duties after receiving notice to work, he ceases to be on standby status and qualifies for straight time or overtime pay, whichever is applicable, for the actual time worked. Upon completion of the work, he returns to standby status for the remainder of the time he has been directed to be available to work.
5. Any class designated in the statutes as a 24-hour class does not automatically qualify for this additional pay.
6. This section does not apply to an excluded classified employee.

[Personnel Div., Rule III Section K, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 7-22-87; 3-23-94)

284.220 Change of time to or from daylight savings time.

1. An employee, other than an excluded classified employee or excluded unclassified employee, who loses an hour of work during his scheduled shift because of a change of time to daylight savings time may, with the approval of the appointing authority, elect to take an hour of annual leave, compensatory time or leave without pay or, if required by the agency, must be scheduled to work an additional hour.
2. An employee, other than an excluded classified employee or excluded unclassified employee, who is required to work an additional hour during his scheduled shift because of a change of time to standard daylight time is entitled to receive overtime for pay or compensatory time as approved by the agency.

(Added to NAC by Dep't of Personnel, eff. 4-19-88; A 3-23-94)

NRS 284.180 states in part, "...overtime. 2. Credit for overtime work directed or approved by the head of an agency or his representative must be earned at the rate of time and one-half, except for those employees described in NRS 284.148.

3. Except as otherwise provided in subsections 4, 6 and 8, overtime is considered time worked in excess of:

- (a) Eight hours in 1 calendar day;
- (b) Eight hours in any 16-hour period; or
- (c) A 40-hour week.

4. Firemen who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A fireman so assigned is entitled to receive 1/26 of his annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:

- (a) Twenty-four hours in one scheduled shift; or
- (b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.

The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firemen. In addition to the regular amount paid such a fireman for the deemed average of 56 hours per week, he is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.

5. The director, with the approval of the commission, shall adopt regulations to carry out the provisions of subsection 4.

6. For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.

For employees who choose and are approved for a variable 80-hour work schedule within a biweekly pay period, overtime will be considered only after working 80 hours biweekly.

7. An agency may experiment with innovative work weeks upon the approval of the head of the agency and after majority consent of the affected employees.

8. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the commission.

9. All overtime must be approved in advance by the appointing authority or his designee. No officer or employee, other than a director of a department or the chairman of a board, commission or similar body, may authorize overtime for himself. The chairman of the board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.

10. The budget division of the department of administration shall review all overtime worked by employees of the executive department to ensure that overtime is held to a minimum. The budget division shall report quarterly to the state board of examiners the amount of overtime worked in the quarter within the various agencies of the state."

NRS 284.181 states, "Agreements concerning provision of compensatory vacation time instead of monetary payment for overtime. A department, agency or institution within the executive department of state government which is authorized by law to make appointments in the classified or unclassified service may enter into an agreement with an organization representative of state employees which has been designated and recognized pursuant to the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., for the provision of compensatory vacation time instead of monetary payment for overtime. If an employee is not a member of such an organization, the department, agency or institution may enter into such an agreement with the employee directly."
(Added to NRS by 1993, 2091)

284.250 Compensation for overtime.

1. The principal method of compensating an employee for overtime is cash payment which is computed at the rate established in NRS 284.180 and in the classification and compensation plan.
2. Compensatory time off which is computed at the rate specified in NRS 284.180 and in the classification and compensation plan may be granted if the employee and the appointing authority have entered into an agreement which complies with the provisions of 29 C.F.R. § 553.23. Compensatory time off must be taken within a reasonable time after accrual at the direction of the appointing authority.
3. Compensatory time may not be accrued in excess of 120 hours unless an agreement entered into pursuant to subsection 2 provides for the accrual of additional hours of compensatory time, not to exceed 240 hours. Overtime liability incurred in excess of these limits must be paid in cash. The appointing authority may pay in cash overtime accrued below these limits.
4. If an employee accrues overtime in excess of 60 hours, or in excess of 120 hours in the case of an employee subject to an agreement which provides for the accrual of up to 240 hours of compensatory time, the head of the department shall review the workload problem.
5. If, after October 15, an employee determines he may lose annual leave at the end of the calendar year, he may elect to use annual leave instead of compensatory time for approved leave.

[Personnel Div., Rule III Section L subsecs. 9-11, eff. 8-11-73; renumbered as subsecs. 8-10, 10-10-76] -- (NAC A by Dep't of Personnel, 10-26-84; 9-30-88; 11-12-93; 3-23-94)

284.251 Use of compensatory time to supplement benefits for temporary total disability.

An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS may use his accrued compensatory time to receive payment for the difference between his normal pay and the benefits received.

(Added to NAC by Dep't of Personnel, eff. 4-20-90; A 7-1-94; 11-16-95; 3-1-96; 10-27-97)

284.252 Compensatory time: Payment for excess accumulation: use not to be unreasonably denied.

1. Except as otherwise provided in subsection 2, any employee who has accumulated more than 60 hours of compensatory time may request payment in cash for the amount over 60 hours if the request is made in writing at least 7 working days before a regular payday. Except as otherwise provided in subsection 3 of NAC 284.250, the requested payment must be made unless money is not available as certified by the chief of the budget division or, in the case of an agency not supported from the state general fund, as certified by the administrator of that agency.
2. In the case of an employee subject to an agreement which provides for the accrual of up to 240 hours of compensatory time, a request for payment in cash is limited to

any compensatory time accrued in excess of 120 hours, except that payment for all compensatory time accrued in excess of 60 hours may be made to:

- (a) A firefighter who submits a request for payment on or before April 1, if payment is made during the month of April.
 - (b) A district brand inspector who submits a request for payment on or before September 1, if payment is made during the month of September.
 - (c) A 24-hour duty officer of the division of emergency management of the department of motor vehicles and public safety who has accumulated more than 60 hours of compensatory time during any 12 consecutive months.
3. An employee must not be unreasonably denied the opportunity to take compensatory time off, if the request is made 2 weeks in advance.

(Added to NAC by Dep't of Personnel, eff. 8-26-83; A 10-26-84; 9-30-88; 3-23-94)

284.253 Compensatory time: Amount of payment.

Payment for compensatory time:

1. For an employee who terminates his employment, must be paid at the average regular rate of pay received by the employee during the last 3 years of the employee's employment, or the final regular rate of pay received by the employee, whichever is higher.
2. For all other employees, must be based on the grade and step of an employee when the compensatory time is paid.

(Added to NAC by Dep't of Personnel, eff. 5-27-86; A 11-16-95)

284.2535 Compensatory time: Firemen.

1. A fireman who works a 24-hour shift and who elects to receive compensatory time off for the overtime he works is entitled to accrue 2.1 hours of compensatory time for each hour of overtime that he works.
2. Accrued compensatory time will be converted for cash payment pursuant to the following formula:

$$\frac{1.5 (\text{accrued compensatory time})}{2.1} = X \text{ hours for cash payment}$$

3. When a fireman is appointed to a job classification with a schedule of working 40 hours per week, the compensatory time of the fireman must be converted to the amount of compensatory time that would have been accrued if the fireman worked 40 hours per week.
4. When an employee with a schedule of working 40 hours per week is appointed to a job as a fireman with an average work schedule of 56 hours per week, the compensatory time of the employee must be converted to the amount of compensatory time that would have been accrued if the person worked 56 hours per week.

(Added to NAC by Dep't of Personnel, 9-13-91, eff. 10-1-91; A 12-26-91; 3-27-92)

284.254 Compensation for overtime upon transfer.

1. **Except as otherwise provided in subsection 2, if an employee who has accumulated overtime transfers from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority, the accumulated overtime which the employee has not used or for which he has not been paid must be compensated for by the agency he is leaving, unless the receiving agency agrees in writing to assume the liability for the overtime and the employee concurs.**
2. **A receiving agency shall not assume the liability for the accumulated overtime of an employee if the employee is transferring to an excluded position. The accumulated overtime of an employee transferring to an excluded position must be compensated for by the agency the employee is leaving.**
3. **As used in this section, "excluded position" means a position in the classified or unclassified service that is subject to the provisions of NRS 284.148.**

[Personnel Div., Rule III Section L subsec. 12, eff. 8-11-73; renumbered as subsec. 11, 10-10-76] -- (NAC A by Dep't of Personnel, 10-26-84; 10-27-97)

284.258 Compensation for time spent traveling.

1. Time spent outside normal working hours while an employee is traveling must be compensated at the overtime rate, if the employee is otherwise entitled to overtime compensation.
2. An employee begins traveling when he leaves his work station, or home if so authorized, and continues until he reaches his geographical location for his work assignment. Additional travel time may only be earned if the employee's actual work time plus his travel time exceeds his normal workday of at least 8 hours. In determining the amount of travel time granted, time claimed for additional reimbursement must be justified against the "normal" travel time as determined by the agency's previous travel experience.
3. If the additional travel time was due to the employee's choice of transportation, it will not be allowed. This includes an employee's attendance at a training session, seminar or conference which is paid by the state but which is not mandatory and is attended at the employee's request and for his benefit.
4. An employee may not be compensated for the time spent traveling during the normal time he spends commuting to and from work. Normal time for commuting must be subtracted from travel time claimed. This subsection applies to travel before 8:00 a.m. or after 5:00 p.m. or, in the case of employees who work a nonstandard work week, before or after a normal work shift of at least 8 hours.
5. For employees who work a standard work week, travel on Saturdays, Sundays and holidays is also covered. For employees who work a nonstandard work week, travel under normal days off or on holidays is covered. Only travel before or after the normal work shift of at least 8 hours will be counted if an employee who works a nonstandard work week is traveling on a holiday which is his scheduled workday.
6. Employees who must travel and stay over to continue work on their next regularly scheduled workday are not considered to be working on their regularly scheduled days off and are allowed only the standard per diem expenses. Employees who have travel layovers or delays in their transportation are limited to 4 hours overtime plus per diem expenses.

[Personnel Div., Rule III Section L subsec. 16, eff. 8-11-73; renumbered as subsec. 15, 10-10-76] -- (NAC A by Dep't of Personnel, 10-26-84; 7-1-94)

NRS 284.177 states, "Plan to encourage continuity of service."

1. A plan to encourage continuity of service, administered by the department is hereby established for employees with 8 years or more of continuous state service. Employees rated standard or better with 8 years of continuous service are entitled to receive \$75 semiannually with a semiannual increase of \$25 for each additional year of service up to a maximum of 30 years of continuous state service.
2. An interruption in continuous state service terminates the employee's eligibility for additional pay pursuant to subsection 1.
3. Except as provided in this subsection, no year served before the interruption may be counted in determining the employee's subsequent eligibility. This provision does not apply to an employee who was employed before July 1, 1981, unless he leaves state service after the date.
4. As used in this section, "continuous service" means uninterrupted service as defined by the commission."

NRS 284.179 states, "Professional employees of University and Community College System of Nevada not entitled to increases provided in NRS 284.177. The professional employees of the University and Community College System of Nevada are not entitled to receive the increases provided in NRS 284.177."

284.262 Applicability of plan to encourage continuity of service.

The plan to encourage continuity of service established pursuant to NRS 284.177 applies to classified and unclassified employees of the state.

[Personnel Div., Rule III Section M subsec. 1, eff. 8-11-73; A 9-6-74; 2-5-82]

284.270 Longevity pay: Employees' ratings.

1. An employee's performance must be rated standard or better on the last performance report if the report was filed within the last 12 months, for him to be eligible for additional pay pursuant to NRS 284.177.
2. If an employee's performance was:
 - (a) Not rated during the previous 12 months, his performance is assumed to be standard.
 - (b) Rated as substandard, the effective date of a subsequent rating of standard or better is the date recorded by the appointing authority on a subsequent performance report filed with the director pursuant to subsection 4 of NRS 284.340.
 - (c) Rated as substandard but the performance report is not filed within 30 days after the date required by subsection 4 of NRS 284.340, the employee's performance is assumed to be standard on the date the performance report was due.

[Personnel Div., Rule III Section M subsec. 3, eff. 8-11-73; A 9-6-74; 2-5-82] -- (NAC A by Dep't of Personnel, 10-26-84; 7-22-87; 10-18-89; 11-16-95)

284.274 Longevity pay: Dates of payment and eligibility.

1. Payments for longevity will be made every July and December.
2. The dates upon which employees become eligible for the semiannual payments are December 31 and June 30.
3. Except as otherwise provided in NAC 284.282, employees who are eligible and have not been separated from state service as of these dates will receive longevity pay.

4. An agency is responsible for the payment of longevity pay due an employee if that employee is employed by the agency on the date the longevity worksheet authorizing the payment is required to be submitted to the central payroll section of the department of personnel.

[Personnel Div., Rule III Section M subsec. 4, eff. 8-11-73; A 9-6-74; 4-14-76; 2-5-82] -- (NAC A by Dep't of Personnel, 10-26-84; 12-17-87; 7-14-88; 7-21-89; 3-1-96)

284.278 Longevity pay: Part-time employees: applicable formulas.

1. Part-time employees must work the equivalent of 8 full-time continuous years to be eligible for longevity pay.
2. Except as otherwise provided in subsection 4, an eligible part-time employee or an eligible full-time employee who works less than full time for a portion of the 6-month qualifying period, is entitled to receive longevity pay based on the following formula:

$$\frac{\text{The number of full-time equivalent hours worked}}{1044 \text{ hours}} \times \text{longevity increment} = \text{longevity for 6 months}$$

3. Except as otherwise provided in subsection 4, a full-time employee whose regularly scheduled work shift is more than 40 hours per week or 80 hours biweekly is entitled to receive longevity pay based on the following formula:

$$\frac{\text{The number of hours worked during 6-month qualifying period}}{\text{Total scheduled work hours during 6-month qualifying period for a full-time employee}} \times \text{longevity increment} = \text{longevity for 6 months}$$

4. Prorated longevity pay for an excluded classified employee or excluded unclassified employee must be calculated using the following formula:

$$\frac{\text{The number of days worked during 6-month qualifying period}}{\text{Total scheduled work days during 6-month qualifying period for a full-time employee}} \times \text{longevity increment} = \text{longevity for 6 months}$$

[Personnel Div., Rule III Section M subsec. 6, eff. 9-6-74; A and renumbered as subsec. 5, 2-5-82] -- (NAC A by Dep't of Personnel, 10-26-84; 9-13-91; 3-23-94)

284.282 Longevity pay: Eligibility under particular circumstances.

1. Except as otherwise provided in NAC 284.580, an employee who is on leave without pay **or catastrophic leave** for the entire 6-month period of qualification is not entitled to pay for longevity for that period. Leave without pay **or catastrophic leave** for 240 hours or less in a calendar year may be counted as time worked for an employee other than an excluded classified employee or excluded unclassified employee. Leave without pay **or catastrophic leave** for 30 working days or less in a calendar year may be counted as time worked for an excluded classified employee or excluded unclassified employee.
2. Except as otherwise provided in NAC 284.580, the formulas provided in NAC 284.278 must be used in calculating the payment for longevity for:
 - (a) Employees, other than excluded classified employees and excluded unclassified employees, who take leave without pay **or catastrophic leave** in excess of 240 hours in any 1 calendar year; and
 - (b) Excluded classified employees and excluded unclassified employees, who take leave without pay **or catastrophic leave** in excess of 30 working days in any 1 calendar year.
3. For the purposes of subsections 1 and 2, an employee whose regular work schedule is more than 80 hours biweekly must be allotted additional leave without pay in

proportion to the number of hours his regular work schedule exceeds 80 hours biweekly. For the purposes of this subsection, a fireman who is assigned to a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year.

4. An employee who retires and applies for retirement pursuant to the provisions of chapter 286 of NRS or who dies during the 6-month qualifying period is eligible for longevity pay according to the applicable formula in NAC 284.278.
5. An employee who is laid off and is rehired within 1 year **after** the date of layoff is eligible for pay for the longevity he would have earned if he had not been laid off. The employee must be treated as if he had been on leave without pay pursuant to subsections 1 and 2.
6. A person with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 is eligible for pay for the longevity he would have earned if he had not been separated from state service. The employee must be treated as if he had been on leave without pay pursuant to subsections 1 and 2.
7. A person who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS and makes the election provided in:
 - (a) Subsection 1 or 3 of NRS 281.390, is entitled to accrue service credit for longevity during the period he is receiving benefits and is being paid an amount of sick leave equal to the difference between his normal salary and the benefits received.
 - (b) Subsection 5 of NRS 281.390, must be placed on leave of absence without pay, unless the employee is on family and medical leave because a serious health condition prevents him from performing the essential functions of his position. Such an employee may, while he is on such leave, elect to use his accrued annual leave in lieu of being placed on leave of absence without pay.
8. An employee who does not have enough sick leave to make up the difference between his normal salary and benefits for temporary total disability must be placed on leave of absence without pay for the period he is receiving such benefits and the balance of time not covered by sick leave or other paid leave. Such an employee accrues service credit only for the time he is covered by sick leave or other paid leave. The employee ceases to be on leave of absence without pay when he has exhausted all of his sick leave and is not approved for other leave.
9. Service in a seasonal position must be credited towards payments for longevity if the employee is employed on December 31 and June 30 and if the requirements for longevity service have been met. If an employee in a seasonal position is not on the payroll on those two dates and he is reemployed without a 12-month break in service, the employee is entitled to receive a prorated payment for longevity based on the service during the last longevity period.
10. If a person is **on leave of absence without pay for military service pursuant to NRS 284.365 or is reemployed within 90 days after the military service, the time during which he was not in paid status** because of his military service will be counted when determining the rate for pay for longevity. The person is **eligible for payment for longevity for the time he is in paid status in accordance with the provisions of subsections 1 and 2.**
11. If a nonclassified employee or an employee covered by NRS 284.022 is appointed without a break in service to the classified or unclassified service, the previous time served is counted for longevity purposes but not for any retroactive payment.

[Personnel Div., Rule III Section M subsec. 7, eff. 9-6-74; A and renumbered as subsec. 6, 2-5-82] -- (NAC A by Dep't of Personnel, 10-26-84; 12-17-87; 7-14-88; 7-21-89; 9-13-91; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95; 3-1-96; 10-27-97)

284.284 Longevity pay: Return to state service.

1. An employee who was vested in the plan for payment for longevity and who separated from state service before July 1, 1981 and returns to state service is vested in the plan.
2. The employee will receive the same semiannual rate of payment he did at the time of his separation from service. However, the employee may not receive any semiannual increases until he has again served the same number of years he had served at the time of his separation from service plus 1 year.
3. The years which an employee served before the beginning of the payment of semiannual increases must be in a single continuous period which is equivalent to full-time employment.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.290 Retained rates of pay.

1. An employee who is reclassified downward through no fault of his own is entitled to a retained rate of pay if the following conditions are found to exist by the department of personnel:
 - (a) The employee has been in the same class for 6 months (full-time equivalent) immediately preceding the downward reclassification; and
 - (b) The reclassification is the result of a reorganization or other legitimate reason over which the employee has no control.
2. If an employee is entitled to a retained rate of pay, the following procedures apply:
 - (a) The employee's pay status remains unaffected for 2 years from the date of the downward reclassification. At the end of the 2-year period, the employee's specific current rate of pay will be frozen for a maximum of 2 years, making the employee ineligible for any future salary adjustments, cost of living adjustments or wage and salary adjustments. The employee's frozen salary will automatically be adjusted to the highest step within the lower grade if his salary falls within the range of the lower grade or at the end of the 2-year period, whichever occurs first.
 - (b) If the employee voluntarily accepts another position within the time period, he may no longer retain his salary.
 - (c) The employee is entitled to reemployment rights provided in NAC 284.140.
3. This section does not apply to an employee who is occupying a position which is reclassified to a higher class and is later restored to the former class pursuant to NAC 284.132.

[Personnel Div., Rule III Section O, eff. 8-11-73; renumbered as Section P, 9-6-74; A 10-6-78] -- (NAC A by Dep't of Personnel, 10-26-84; 9-17-87; 7-1-94; 3-1-96)

NRS 289.400 states, "Reimbursement for cost to repair or replace uniform, accessories or safety equipment damaged or destroyed in performance of duties. In addition to the compensation required by NRS 281.121, a state agency that employs a person:

1. Upon whom some or all of the powers of a peace officer are conferred pursuant to subsection 1 of NRS 289.180, subsection 1 of NRS 289.220 or subsection 2 of NRS 289.270; and
2. Who is required to purchase and wear his own uniform or other clothing, accessories or safety equipment while performing his duties for the state as a peace officer, may, after first obtaining the written approval of the director of the department of administration, reimburse that person for the cost to repair or replace his required uniform or other clothing, accessories or safety equipment if it is damaged or destroyed, by means other than ordinary wear and tear, while he is performing his duties for the state as a peace officer."

284.294 Reimbursement for furnishing own tools.

1. An employee who is required to furnish his own tools may elect to be reimbursed for the use, loss, theft and breakage of the tools at a monthly rate of **\$35** if the monetary value of the tools is more than \$300 and less than \$1,000, or at a monthly rate of **\$50** if the monetary value exceeds \$1,000. This monthly allowance must not be considered part of the employee's salary.
2. The payment of reimbursement pursuant to subsection 1 absolves the agency of any responsibility for the employee's tools if the loss per occurrence is \$1,000 or less. If the loss is more than \$1,000 and is covered under the terms and conditions of the policy of property insurance or program of self-insurance maintained by the state, the loss must be paid by the insurer or the state, as appropriate. If reimbursement is not paid and a loss occurs which is covered by the policy of property insurance or program of self-insurance, the first \$1,000 of the loss must be paid by the agency and the balance by the insurer or the state, as appropriate.
3. Agencies must approve and maintain a listing of those tools which are required.
4. **As used in this section, "tools" does not include weapons or other protective equipment.**

[Personnel Div., Rule III Section P, eff. 8-11-73; renumbered as Section Q, 9-6-74] -- (NAC A by Dep't of Personnel, 8-26-83; 7-14-88; 10-27-97)

RECRUITMENT AND EXAMINATIONS

284.295 Determining type of recruitment.

1. If a recruitment is required, the department of personnel will determine the type of recruitment based on:
 - (a) The number of current or anticipated vacancies;
 - (b) The anticipated number of applicants; and
 - (c) The recommendations or requests of the appointing authority.
2. Except as otherwise provided in subsection 3, a recruitment must be restricted to one or a combination of these groups in the following order of priority:
 - (a) Applicants for promotion from within the division where the vacancy exists.
 - (b) Applicants for promotion from within the department where the vacancy exists.
 - (c) Applicants for promotion from throughout state service.
 - (d) Applicants for appointment from open competition.

If a recruitment includes more than one promotional group, any group with a higher priority must be included and receive preference.

3. Recruitment may be open competitive, or limited to or combined with any one or more of the promotional groups listed in subsection 2 if:
 - (a) The appointing authority certifies in writing to the department of personnel that, in accordance with the provisions of NAC 284.297, it is in the best interest of the agency to expand the recruitment to allow other groups to compete equally; or
 - (b) The class is designated in the classification plan as:
 - (1) Entry level because it is not a normal progression from another class; or
 - (2) One for which applicants for promotion are not normally available.
4. The provisions of this section do not prohibit the department of personnel or its designee from conducting a recruitment in anticipation of a vacancy.

(Added to NAC by Dep't of Personnel, eff. 4-20-90)

284.296 Recruitment: Agency's responsibilities.

An agency's responsibilities in the process of recruitment include:

1. Planning and anticipating staffing needs.
2. Reviewing and requesting changes to class specifications or grade allocations before initiating a recruitment.
3. Determining through the department of personnel the status of existing lists of eligible persons and requesting any necessary recruitment as early as possible.
4. Cooperating with the department of personnel during the process of recruitment in:
 - (a) Developing the assessment procedures and devices which will be used;
 - (b) Identifying the labor pool;
 - (c) Establishing the time limits for the recruitment; and
 - (d) Determining which, if any, special recruitment methods are necessary.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

NRS 284.230 states, "Time and place of holding examination; use of public buildings.

1. Examinations must be held at such times and places as in the judgment of the director most nearly meet the convenience of applicants, practicability of administration, and the needs of the public service.
2. The officers having control of public buildings in political subdivisions of the state and in school districts, upon request of the director, shall furnish convenient and reasonable space for examinations and necessary furniture, heat and light for the accommodation of the local examiners and for holding of examinations authorized by this chapter."

NRS 284.210 states in part, "Competitive examinations: Requirements; contents; persons conducting examinations.

1. All competitive examinations for positions in the classified service must:

(a) Relate to those matters which fairly test the capacity and fitness of the persons examined to **perform in an efficient manner** the duties of the class in which employment is sought.

(b) Be open to all applicants who meet the reasonable standards or requirements fixed by the director with regard to experience, character, age, education, physical condition and any other factors relating to the ability of the applicants to perform the duties of the position with reasonable efficiency."

284.297 Determining practicability of limiting consideration to persons eligible for promotion.

For the purposes of NRS 284.295, "practicable" means that in the judgment of the appointing authority it is in the best interest of the agency to limit consideration for a vacancy to persons who are eligible for promotion and who are employed within the division or department where the vacancy exists. In making this determination, the appointing authority shall consider:

1. The merit, fitness, efficiency, character, conduct and length of service of the employee, pursuant to NRS 284.295;
 2. The need to provide to all citizens a fair and equal opportunity for public service;
 3. The composition of the work force in relation to the plan for affirmative action of the State of Nevada;
 4. The needs of the agency in accomplishing its objectives; and
 5. The possibility of any loss of federal money or other sanctions that may be imposed.
- (Added to NAC by Dep't of Personnel, eff. 4-20-90)

NRS 284.150 states in part, "Classified service...

2. Appointments in the classified service must be made according to merit and fitness from eligible lists prepared upon the basis of examination, which must be open and competitive, except as otherwise provided in this chapter."

NRS 284.295 states in part, "Vacancy filled by promotion; eligibility; competitive examinations.

3. The director may provide, in specific cases, for competitive promotional examinations among employees of departments other than that in which a particular vacancy in a higher classification may exist."

284.298 Competitive examinations.

1. Except as otherwise provided in this chapter and in chapter 284 of NRS, an appointment to or within the classified service must be made through the use of competitive examinations.
 2. Competitive examinations may be structured or unstructured, scored or unscored, written, oral, or in the form of a demonstration of skill, an evaluation of training, experience, or other specified job requirements, or any combination of these.
 3. Examinations which measure an applicant's capacity, technical knowledge, manual skill and physical fitness, if it is related to the job, may be used.
 4. The method of examination adopted by the center for assessment may be used.
- [Personnel Div., Rule IV part Section A, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 11-12-93)

NRS 284.295 states, "Vacancy filled by promotion; eligibility; competitive examinations."

1. Vacancies in positions must be filled, so far as practicable, by promotion within a department or agency from among persons holding positions in the classified service. Promotions must be based upon merit and fitness, to be ascertained in accordance with regulations established by the director. In such regulations the employee's efficiency, character, conduct and length of service must all constitute factors. For the purposes of this subsection, a person employed by the legislative branch of government pursuant to subsection 5 of NRS 284.3775 shall be deemed to hold the position he held before the legislative session.
2. Eligibility for promotion must be determined on recommendation of the appointing authority and certification by the director that the employee meets the minimum requirements and demonstrates his qualifications in accordance with regulations established by the director.
3. The director may provide, in specific cases, for competitive promotional examinations among employees of departments other than that in which a particular vacancy in a higher classification may exist.
4. An advancement in rank or grade or an increase in salary beyond the maximum fixed for the class constitutes a promotion."

284.318 Limitation of competition in recruitment.

1. Except as otherwise provided in this subsection, competition in a recruitment is limited to applicants who meet the minimum qualifications and other criteria for the class or position for which the recruitment is being held and may be further limited to those applicants who indicate on their application a willingness to accept the conditions of employment specified in the public notice of recruitment. The notice of recruitment may provide for the consideration of applicants who do not currently meet those minimum qualifications but who will do so by the time their names are placed on an eligible list. If an open competitive recruitment produces a sufficient number of applicants the department of personnel, in agreement with the appointing authority, may include an assessment of each applicant's qualifications as an additional phase of the process of examination if it is included in the public notice. Only those applicants who are considered the most qualified, based on this assessment, may continue in the competition.
2. Except as otherwise provided in subsection 3, competition in a promotional recruitment is limited to current state employees who:
 - (a) Have served at least 6 months of continuous service (full-time equivalent) in a probationary, special disabled, emergency, provisional or permanent status or any combination of these in the classified service.
 - (b) Are working in the division, department or in the state service which is specified in the public notice of recruitment.
3. A former incumbent of a seasonal position who was separated from state service with the status of a permanent employee may apply for a promotional recruitment up to 1 year after the day of separation even though he is not currently employed. The prior appointment must have been in the division, department or state service which is specified in the public notice of recruitment.
4. An employee who competes in a promotional recruitment may be at a higher grade, the same grade or a lower grade than the grade of the class for which the recruitment is being conducted. Depending on the grade of the employee, an appointment resulting from a promotional recruitment may be a voluntary demotion, a lateral transfer or a promotion.

[Personnel Div., Rule IV Section F, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 7-14-88; 8-1-91; 7-6-92)

284.320 Employee responsible for applying for recruitment.

It is the employee's responsibility to apply for any recruitment for which he is qualified, eligible and interested. The applicant must provide in the application the information necessary to establish his eligibility for the appointment. Future vacancies may be filled from the results of appropriate prior recruitments.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85)

NRS 284.210 states in part, "...oral examinations.

4. An oral examination given pursuant to this section must be:

(a) **Except as otherwise provided in subsection 5**, conducted by a panel of which no more than one-third of the members are employed by the department in which a vacancy exists for the position for which the examination is given.

(b) Recorded and maintained by the department for:

(1) **Not less than 2 years after the date of the examination; or**

(2) **Until the final disposition of a charge of discrimination, whichever is longer, and must be available to an affected person upon request."**

NRS 284.235 states, "Designation of persons to assist in examinations.

The director may designate appropriate persons, including officers and employees in the public service, to assist in the preparation and rating of examinations. An appointing authority may excuse any employee in his division from his regular duties for the time required for his work as an examiner. Those officers and employees are not entitled to extra pay for their services as examiners, but are entitled to their regular salaries."

284.322 Released time for examination.

1. Upon giving reasonable notice to his immediate supervisor, a qualified employee must be permitted to take an appropriate amount of released time to participate in any examination given by the department of personnel or its designated representative during work hours. Released time is equivalent to time which is worked. The time spent participating in an examination which exceeds the normal workday or workweek does not qualify for overtime.
2. For the purpose of this section, the employment interview is considered as part of the examination process.

[Personnel Div., Rule IV Section G, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.326 Period for filing an application.

1. The department of personnel will, after appropriate consideration of a requesting agency's views, determine the length of the period for filing an application based upon, but not limited to, the number of vacancies and the size and geographic distribution of the anticipated pool of applicants.
2. The department of personnel may postpone, cancel or extend any recruitment by giving appropriate notice thereof.

[Personnel Div., Rule IV Section H, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.330 Continuous recruitment.

1. The department of personnel may conduct recruitments and administer examinations in order to provide the names of eligible persons on a continuous basis.
2. The names of eligible persons who took the same or a comparable examination on different dates may be certified to the appointing authority on a continuous basis.
3. Eligibility from a continuous recruitment exists from the date of the examination.

[Personnel Div., Rule IV Section I, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

ESSENTIAL FUNCTIONS OF POSITIONS

284.356 Determination by appointing authority.

An appointing authority shall determine the essential functions of a position on a case-by-case basis. An appointing authority shall consider the following factors, without limitation, in making its determination:

1. Whether an employee is currently performing or has performed the function;
2. Whether removing the function would fundamentally alter the position;
3. Whether the position exists to perform the function;
4. The number of other employees available to perform the function;
5. The degree of expertise or skill required to perform the function; and
6. The amount of time spent performing the function.

(Added to NAC by Dep't of Personnel, eff. 7-6-92)

284.357 Provision of description to candidates for vacant position; consideration for appointment.

1. The appointing authority shall provide a description of the essential functions of a position to each candidate who is being considered for a vacant position. The information must be provided in a timely manner to allow a candidate with a disability to determine his need for reasonable accommodation.
2. The appointing authority shall consider the essential functions of the position that have been identified pursuant to **NAC 284.356** when determining which candidate will be offered employment. **If the disability of a candidate prevents or impedes the performance of one or more functions of the position that are not identified as essential, the appointing authority shall not consider those functions when determining which candidate will be offered employment.**
3. The provisions of this section apply to all competitive and noncompetitive appointments to classified positions.

(Added to NAC by Dep't of Personnel, eff. 7-6-92) — (NAC A by Dep't of Personnel, eff. 10-27-97)

LISTS OF ELIGIBLE PERSONS AND CERTIFICATION

284.358 Types of lists.

1. The types of lists of eligible persons and the priority for their use are as follows:
 - (a) Reemployment lists.
 - (b) Lists of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327, at the option of the appointing authority.
 - (c) Transfer lists, at the option of the appointing authority.
 - (d) Divisional promotional lists.
 - (e) Departmental promotional lists.
 - (f) Statewide promotional lists.
 - (g) Lists of persons determined to be eligible from open competitive recruitments.
 - (h) Lists of eligible persons of comparable classes.
2. The names on each list must be used as prescribed in NAC 284.378.
3. The open and promotional lists referred to in paragraphs (d) to (h), inclusive, of subsection 1 must be:
 - (a) Based on the type of recruitment prescribed by the department of personnel; and
 - (b) Described in the notice of recruitment.

The establishment of any other type of list from the initial recruitment must be in accordance with NAC 284.379.

[Personnel Div., Rule V Section A, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 4-20-90; 7-6-92)

NRS 284.265 states, "Notice of new positions, vacancies: Certification of names by director. Except as otherwise provided in NRS 284.305, appointing authorities shall give notice to the director of their intention to fill any vacancy in the classified service. Except as otherwise provided in this section, within a reasonable time after the receipt of the notice, the director shall certify from the list of eligible persons, appropriate for the grade and class in which the position is classified, the five names at the head thereof. If the competitive examination for that position is scored to the nearest one-hundredth of a point and there are more than five persons having the five highest scores, the names of each of those persons must be so certified."

INFORMATIONAL NOTE: NRS 284.172 "List of positions in classified service primarily performing data processing; approval of new position or reclassification to position on list." may be found preceding NAC 284.126.

NRS 284.255 states in part, "Appointments from appropriate lists.

1. Appointments must be made from the appropriate eligible list, but if no such list exists then the director may certify from such other list as he deems the next most appropriate. A new and separate list must be created for a stated position only when there is no satisfactory list."

284.360 Methods of certification: priority of reemployment lists; willingness to accept employment.

1. Upon a request for certification by an appointing authority, and as provided in NAC 284.362 and 284.364 the names of eligible persons will be:
 - (a) Certified in ranked order on ranked lists;
 - (b) Certified in unranked order on unranked lists; or

2. An employee's status of appointment is permanent when:
 - (a) He has successfully completed the probationary period for a class; or
 - (b) His appointment did not require a probationary period and he does not hold another type of status of appointment.
- (Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91)

NRS 284.254 states, "Preference on list for person separated from service because agency terminated. In establishing lists of eligible persons, a preference must be allowed for each person in the classified service who has been separated from the service because the agency by which he was employed was terminated pursuant to NRS 232B.100."

NRS 284.380 states in part, "Layoffs; reemployment lists.

4. The name of every regular employee so laid off must be placed on an appropriate reemployment list."

284.385 Reemployment.

1. Reemployment is a type of appointment which does not result in a break in service and other benefits as provided in this chapter.
2. The types of reemployment and the authority for these types are as follows:
 - (a) Military reemployment entitles the person to the same or similar class within the department in which he was previously employed when the provisions of 38 U.S.C. §§ 4301 to 4307, inclusive, are met.
 - (b) Layoff reemployment, when a layoff has occurred pursuant to NRS 284.254 or NRS 284.380, entitles the permanent employees who are affected to appointment to the class and option from which they were laid off, throughout the state service, and to other classes as provided in subsection 2 of NAC 284.390 and in NAC 284.630.
 - (c) Reemployment, when a position is reclassified to a lower grade, entitles the person to the class, option and department when the provisions of NAC 284.140 are met.
 - (d) Seasonal reemployment allows former seasonal employees to be reemployed when the provisions in NAC 284.434 are met.
 - (e) Reemployment because an employee sustained a permanent disability arising from a disability related to work entitles the person to reemployment by the department with which the employee was employed at the time he sustained his permanent disability as determined pursuant to NAC 284.6013 and within the same class and option as his regular position or in another class as provided in NAC 284.6014.
3. The grade of the class at which a person is reemployed cannot exceed the current grade of the class he formerly held.
4. **Except as otherwise provided in subsection 3, an employee may not be reemployed in a position allocated at grade 30 or higher if that position is at a higher grade than the position the employee held before attaining reemployment rights.**

(Added to NAC by Dep't of Personnel, eff. 10-26-84; NAC A 10-18-89; 8-1-91; 3-1-96; 10-27-97)

NRS 284.330 states, "Reinstatement of permanent appointee after separation without prejudice. Any person who has held a position by permanent appointment in the classified service under the law and rules, and who has been separated from the service without prejudice, may be eligible for reinstatement to a position in the same or similar grade or class in the classified service, subject to the rules and regulations established in accordance with the provisions of this chapter."

INFORMATIONAL NOTE: For information regarding eligibility for group insurance upon reinstatement or rehire, refer to State Employees Group Insurance Benefits published by the State of Nevada Committee on Benefits.

NRS 286.440 "Redeposit of withdrawn contributions upon return to service: Procedure." may be found preceding NAC 284.611.

284.386 Separation without prejudice: reinstatement.

1. Except as otherwise provided in this subsection, an appointing authority may reinstate an employee within a 2-year period following his termination of employment if he was separated without prejudice. A separation without prejudice must be determined by the appointing authority in accordance with the standards contained in NRS 284.240. If an employee is laid off and is entitled to have his name appear on a reemployment list pursuant to NAC 284.630, the appointing authority may reinstate the employee within 2 years after the date on which his right to reemployment expires.
2. The grade of the class to which a person is reinstated cannot exceed the current grade of the class he formerly held.
3. **Except as otherwise provided in subsection 2, a person may not be reinstated in a position allocated at grade 30 or higher if that position is at a higher grade than the position the person formerly held.**
4. A reinstatement to a similar class requires the approval by the department of personnel before the appointing authority may make a commitment to reinstate.
5. The person seeking a reinstatement must provide a new application to the appointing authority.
6. The person must meet the current minimum qualifications for the class for which the reinstatement is sought or for a similar class.
7. It is the responsibility of a person seeking the reinstatement to make his interest known to the hiring agencies.

[Personnel Div., Rule VI Section C, eff. 8-11-73; A 10-10-76] -- (NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 10-18-89; 11-12-93; 10-27-97)

NRS 284.375 states, "Transfers; reports of appointing authorities."

1. In accordance with regulations established by the director, transfers in the classified service may be made from a position in one grade or class to a position in another grade or class when the duties and compensation are similar and when such action is specifically approved by the director.
2. Each appointing authority shall report to the director in writing, from time to time, upon the date of the official action in, or knowledge of, any transfer of a person in the public service."

284.390 Transfers.

1. Except as otherwise provided in this subsection, an appointing authority may, after giving 5 working days' notice, transfer for the convenience of the state any employee from one position to another position in the same or a related class. The notice need not be given if the transfer does not exceed 10 working days. If a bona fide or justifiable emergency exists, a transfer may be made immediately with the prior approval of the department of personnel. This may not be used to harass or discipline an employee.
2. Any permanent employee required to transfer to a different geographical location, as defined in NAC 284.612, who declines the transfer has the same rights provided in NAC 284.630 as an employee who is laid off.
3. Upon the request of an employee, he may transfer from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority if the positions are in the same or a related class. The position

to which the employee is being transferred may be in a location different from which he is being transferred.

4. A transfer of an employee to a position in a related class may require the completion of an application by the employee to determine his qualifications. **An employee may not transfer through noncompetitive means to a position allocated at grade 30 or higher if that position is at a higher grade than the position the employee currently occupies.**
5. A transfer may not be made to harass or discipline an employee.
6. An employee who desires a transfer to a position in his current class must make his interest known to:
 - (a) The hiring agency, following its procedures for transfer;
 - (b) The department of personnel by requesting, on a form provided by the department of personnel, that his name be placed on the appropriate list; or
 - (c) Both the hiring agency and the department of personnel.
7. An employee who desires a transfer to a position in a related class must make his interest known to the hiring agency.

[Personnel Div., Rule VI Section D subsecs. 1-4, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 6-18-86; 7-21-89; 8-1-91; 10-27-97)

NRS 284.376 states, "Involuntary transfer; hearing; remedies.

1. Within 10 working days after the effective date of his transfer pursuant to the provisions of NRS 284.375, a permanent classified employee who has been transferred without his consent may request in writing a hearing before the hearing officer of the department to determine whether the transfer was made for the purpose of harassing the employee. The request may be made by mail and shall be deemed timely if it is postmarked within 10 working days after the effective date of the employee's transfer. The hearing must be conducted in accordance with the procedures set forth in NRS 284.390 to 284.405, inclusive.
2. If the hearing officer determines that the transfer was made for the purpose of harassing the employee, the transfer must be set aside and the employee must be returned to his former position. If the transfer caused the employee to be away from his original headquarters, the employee is entitled to be paid expense allowances as provided in NRS 281.160 for the period the transfer was in effect.
3. The decision of the hearing officer is binding on the parties."

284.394 Appeal of involuntary transfer.

1. If an employee requests a hearing to protest an involuntary transfer pursuant to NRS 284.376, the appointing authority may temporarily assign, on a per diem basis, the employee to transfer pending disposition of the appeal.
2. An employee who has been involuntarily transferred is entitled to receive, upon request, a total of up to 8 hours of administrative leave to prepare for all hearings which relate to the involuntary transfer.

[Personnel Div., Rule VI Section D subsec. 5, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-18-89)

NRS 284.360 states in part, "Leave of absence without pay.

1. Any person holding a permanent position in the classified service may be granted a leave of absence without pay. Leave of absence may be granted to any person holding a position in the classified service to permit acceptance of an appointive position in the unclassified service. Leave of absence must be granted to any person holding a position in the classified service to permit acceptance of a position in the legislative branch during a regular or special session of the legislature, including a reasonable period before and after the session if the entire period of employment in the legislative branch is continuous."

NRS 284.3775 states, "Transfer of employee of supreme court, unclassified service or legislative branch to classified service; exceptions; rights of employee in classified service who accepted position in legislative branch.

1. Except as otherwise provided in this section, employees of the supreme court, employees in the unclassified service of the executive branch of the government of the State of Nevada, or employees of the legislative branch of the government of the State of Nevada who have served for 4 consecutive months or more are entitled to transfer to a position having similar duties and compensation in the classified service of the state on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority. The benefit conferred by this subsection includes any exemption from the taking of a competitive examination, retention of credits for annual and sick leave and longevity, and priority on the lists of eligible persons to the extent that such privileges are accorded to employees transferring within the classified service.

2. Except as otherwise provided in subsection 4, the benefits conferred by subsection 1 do not apply to an employee in the unclassified service who is the chief officer of a department or division.

3. Except as otherwise provided in this subsection and subsection 4, a person may not transfer pursuant to subsection 1 to a class composed of:

(a) Professionally qualified persons; or

(b) Officers and administrators who set broad policies and exercise responsibility for the execution of those policies.

A person may transfer to a class described in paragraph (a) or (b) if that class is provided for pursuant to subsection 2 of NRS 284.155.

4. The restrictions provided in subsection 2 and 3 do not apply to an employee of the supreme court, an employee in the unclassified service of the executive branch of government or an employee of the legislative branch of government whose appointment to that position was immediately preceded by an appointment in the classified service, except that such an employee may only transfer to a position in the classified service that has duties and compensation that are similar either to his current position or to a position he previously held in the classified service.

5. An employee in the classified service of the state who is granted leave without pay to accept a position in the legislative branch of government during a regular or special session:

(a) Is entitled to be restored to his previous position in the classified service upon the completion of the legislative session without loss of seniority or benefits. Seniority must be calculated as if he had not taken the leave.

(b) Is eligible to fill vacancies in positions within the classified service to the extent that he would be eligible if he was not on leave from his position in the classified service."

284.398 Transfer to classified service.

1. An unclassified employee who has less than 4 months of service and whose appointment was immediately preceded by an appointment in the classified service in which the person was a permanent employee may transfer back into the classified service under the same conditions and with the same benefits as classified employees, except that the duties and compensation of the position to which the person is transferred must be similar, as determined by the department of personnel, to either the unclassified position or to a previously held classified position.
2. Employees of any governmental agency which is acquired for administration by the state pursuant to NRS 284.022 may transfer into the classified service or unclassified service with the rights and benefits authorized by the legislature.
3. An employee who transfers into the classified service:
 - (a) Must complete an application and meet the minimum requirements for qualification to the class of the position to which he is transferring;

- (b) Must have his date of transfer and appointment to the classified position effective immediately following the last day of employment in the unclassified or nonclassified position; and
 - (c) May retain the credits which he has earned for annual and sick leave and longevity.
4. A transfer of an employee to a similar class requires the approval of the department of personnel.

[Personnel Div., Rule VI Section D subsec. 6, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 7-14-88; 1-22-90; 8-1-91; 3-23-94)

284.400 Acceptance of new appointment; notice to current appointing authority.

An employee under the jurisdiction of one appointing authority who accepts an appointment to a position under the jurisdiction of another appointing authority shall provide not less than 2 weeks' written notice to his current appointing authority before beginning service in the new position, unless the employee and both appointing authorities mutually agree to a shorter period of notice.

(Added to NAC by the Dep't. of Personnel, eff. 11-16-95)

284.402 Voluntary demotions.

1. An employee may request or accept a demotion to a position in a class with a lower grade. The demotion may be permitted if the employee meets the minimum qualifications and if the appointing authority approves.
2. **An employee may not be demoted through noncompetitive means to attain a position allocated at grade 30 or higher if that position is at a higher grade than the position the employee currently occupies.**

[Personnel Div., Rule VI Section E, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 10-27-97)

284.404 Reappointment.

1. An employee may be reappointed to a class he formerly held or to a comparable class if he meets the current minimum qualifications and the appointing authority approves.
2. An employee who desires reappointment must make his interest known to the hiring agency.
3. The grade of the class to which an employee is reappointed must not exceed the current grade of the class he formerly held.
4. **Except as otherwise provided in subsection 3, an employee may not be reappointed to a position allocated at grade 30 or higher if that position is at a higher grade than the position the employee formerly held.**
5. The department of personnel must approve reappointment to a comparable class.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91) — (NAC A by Dep't of Personnel, eff. 10-27-97)

NRS 284.310 states, "Provisional appointments.

1. Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the director is unable to certify from any appropriate eligible list for the vacancy, the director may issue a provisional permit or certify a suitable person to fill the vacancy provisionally only until a selection and appointment can be made after competitive examination.

2. No person may receive more than one provisional appointment or serve more than 6 months in any 12-month period as a provisional appointee.

3. A provisional appointee must meet the minimum qualifications established for the class of positions involved."

284.406 Provisional appointments.

1. An appointing authority may make an appointment pursuant to NRS 284.310 if:
 - (a) There are fewer than four ranks of eligible persons available for appointment to the position; and
 - (b) The authority obtains the prior approval of the department of personnel. If approved, the department of personnel will begin the recruitment within 30 days after the effective date of the appointment.
2. The status of appointment of an employee appointed pursuant to this section is that of provisional.
3. An appointing authority shall not continue to employ an employee with provisional status for longer than 30 days after a recruitment has produced five or more ranks of eligible persons who are available for appointment to the position.

[Personnel Div., Rule VI Section G, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 11-16-95)

NRS 284.315 states, "Emergency appointment. In case of an emergency, an appointment may be made without regard to the provisions of this chapter relative to appointments, but in no case shall such appointment continue longer than 60 working days in any 12-month period."

284.410 Emergency appointment status.

1. An appointing authority may make an appointment pursuant to NRS 284.315 when the appointment is necessary to prevent the stoppage of public business, loss of life or extensive damage to persons or property.
2. The status of appointment of an employee appointed pursuant to this section is that of emergency.

[Personnel Div., Rule VI Section H, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

NRS 284.325 states, "Temporary appointment.

1. The director shall adopt regulations not inconsistent with this section for the certification of qualified persons for temporary service.
2. Except as otherwise provided in subsection 3, temporary positions which occur, terminate or recur periodically must be filled by certification in accordance with regulations established by the director.
3. An agency may appoint persons temporarily for less than 160 cumulative hours during any calendar year without regard to the regulations adopted by the director pursuant to subsection 1.
4. The limitation on hours set forth in subsection 3 does not apply to temporary or part-time service by:
 - (a) A pupil attending his last 2 years of high school;
 - (b) A student employed by the college or university he attends;
 - (c) A person certified for temporary service in accordance with NRS 284.327;
 - (d) An employee of an events center, museum or research center of the University and Community College System of Nevada;
 - (e) A person employed by the University and Community College System of Nevada in a temporary position which recurs periodically for the registration of students; or
 - (f) A person employed by the University and Community College System of Nevada to provide such assistance to a student with a disability or to a student with an identified academic disadvantage as it determines is necessary for the academic success of the student, including, without limitation, a person employed as a tutor, note taker, reader, sign interpreter or test proctor.

INFORMATIONAL NOTE: NRS 281.100 "Hours of service of employees of state and political subdivisions; exceptions; penalty." may be found preceding NAC 284.242.

NRS 281.110 states, "State offices to maintain 40-hour work weeks; variable schedules for work week; hours to remain open.

1. The offices of all state officers, departments, boards, commissions and agencies shall:
 - (a) Maintain not less than a 40-hour work week.
 - (b) Be open for the transaction of business at least from 8 a.m. until 12 p.m. and from 1 p.m. until 5 p.m. every day of the year, with the exception of Saturdays, Sundays and legal holidays. Variable work week scheduling may be required in those agencies where coverage is needed on Saturdays, Sundays and legal holidays.
2. The offices of all state officers, departments, boards, commissions and agencies shall remain open during the noon hour of each regular working day if any such office has more than one person on its staff."

NRS 284.180 (innovative workweeks) states in part, "7. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees."

284.524 Workweeks and workdays; periods for rest and meals.

1. The work week for state employees is 40 hours, except that work weeks of a different number of hours may be established in order to meet the needs of different state agencies in compliance with the provisions of NRS 281.100, 281.110 and 284.180. The workday for a full-time state employee who works a standard or nonstandard work schedule consists of two, 4-hour work periods separated by a 1/2- to 1-hour meal period. A rest period of 15 minutes must be granted for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.
2. Except as otherwise provided in subsections 3 and 4, an appointing authority shall provide a meal period and rest period to an employee who has an innovative work schedule during each workday as follows:
 - (a) A 1/2- to 1-hour meal period must be provided during each period of work that exceeds 5 hours. Insofar as practicable, the meal period must occur in the middle of the work shift.
 - (b) A rest period of 15 minutes must be provided for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.
3. The requirement to relieve an employee for a 1/2 - to 1-hour meal period does not apply to an employee who receives a paid meal period.
4. The requirement for a rest period does not apply to an employee of:
 - (a) A correctional institution who:
 - (1) Works directly with the inmates at the institution; and
 - (2) Works a straight 8-hour work shift.
 - (b) The mental hygiene and mental retardation division of the department of human resources who:
 - (1) Maintains or monitors the equipment in a heat plant which operates 24 hours a day; and
 - (2) Works a straight 8-hour work shift.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-20-90; 8-1-91; 11-12-93)

284.525 Reduction of hours by mutual agreement.

By mutual agreement, an appointing authority and an employee may reduce the employee's working hours to less than full-time.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.5255 Time sheets.

1. Except as otherwise provided in subsection 2, an employee shall provide an accurate accounting of the hours worked and leave used during a pay period on the appropriate form provided by his employer, **including the specific times at which his work shifts started and ended. Entries must be made to account for all hours in the pay period,** as prescribed by his employer. The employee shall submit the form in a timely manner to his supervisor or the designated representative of the supervisor.
2. An excluded classified employee or excluded unclassified employee shall provide on the appropriate form an accurate accounting of leave used pursuant to NAC 284.5895.
3. An employee who falsifies his time sheet or who causes or attempts to cause another employee to falsify a time sheet may be subject to disciplinary action pursuant to NAC 284.650.
4. **An employee's supervisor is responsible for reviewing the employee's time sheet and verifying the accuracy of all hours worked and leave used by the employee. If an entry on the time sheet is contested by an employee's supervisor, the employee is entitled only to his base pay for the workweek in question. The contested entry must be resolved as soon as practicable and any adjustment must be made during the next pay period following the resolution of the contested entry.**
5. A supervisor who is negligent in reviewing and certifying the accuracy of an employee's time sheet may be subject to disciplinary action pursuant to NAC 284.650.

(Added to NAC by Dep't. of Personnel, eff. 3-1-96) — (NAC A by Dep't of Personnel, eff. 10-27-97)

NRS 236.015 states in part, "Legal holidays; closing of state, county and city offices, courts, banks, savings and loan associations, public schools and University and Community College System of Nevada.

1. The following days are declared to be legal holidays for state, county and city governmental offices:

January 1 (New Year's Day)
Third Monday in January (Martin Luther King, Jr.'s Birthday)
Third Monday in February (Washington's Birthday)
Last Monday in May (Memorial Day)
July 4 (Independence Day)
First Monday in September (Labor Day)
October 31 (Nevada Day)
November 11 (Veterans' Day)
Fourth Thursday in November (Thanksgiving Day)
Friday following the fourth Thursday in November (Family Day)
December 25 (Christmas Day)

Any day that may be appointed by the President of the United States for public fast, thanksgiving or as a legal holiday except for any Presidential appointment of the fourth Monday in October as Veterans' Day.

2. Except as otherwise provided by NRS 293.557, all state, county and city offices, courts, banks, savings and loan associations, public schools and the University and Community College System of Nevada must close on the legal holidays enumerated in subsection 1 unless in the case of appointed holidays all or a part thereof are specifically exempted.
3. If January 1, July 4, October 31, November 11 or December 25 falls upon a:
 - (a) Sunday, the Monday following must be observed as a legal holiday.
 - (b) Saturday, the Friday preceding must be observed as a legal holiday."

NRS 284.350 states, "Annual leave.

1. Except as otherwise provided in subsections 2 and 3, an employee in the public service, whether in the classified or unclassified service, is entitled to annual leave with pay of 1-1/4 working days for each month of continuous public service. The annual leave may be cumulative from year to year not to exceed 30 working days. The department may by regulation provide for additional annual leave for long-term employees and for prorated annual leave for part-time employees.

2. Except as otherwise provided in this subsection, any annual leave in excess of 30 working days must be used before January 1 of the year following the year in which the annual leave in excess of 30 working days is accumulated or the amount of annual leave in excess of 30 working days is forfeited on that date. If an employee:

(a) On or before October 15, requests permission to take annual leave; and

(b) His request for leave is denied in writing for any reason,

he is entitled to payment for any annual leave in excess of 30 working days which he requested to take and which he would otherwise forfeit as the result of the denial of his request, unless the employee has final authority to approve use of his own accrued leave and he received payment pursuant to this subsection for any unused annual leave in excess of 30 working days accumulated during the immediately preceding calendar year. The payment for the employee's unused annual leave must be made to him not later than January 31.

3. Officers and members of the faculty of the University and Community College System of Nevada are entitled to annual leave as provided by the regulations prescribed pursuant to subsection 2 of NRS 284.345.

4. The director shall establish by regulation a schedule for the accrual of annual leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of annual leave at the same rate proportionately as employees who work a 40-hour week accrue annual leave.

5. No elected state officer may be paid for accumulated annual leave upon termination of his service.

6. During the first 6 months of employment of any employee in the public service, annual leave accrues as provided in subsection 1, but no annual leave may be taken during that period.

7. No employee in the public service may be paid for accumulated annual leave upon termination of employment unless he has been employed for 6 months or more."

284.538 Annual leave: Long-term employees: delay of increase for excessive leave without pay.

1. An employee who has completed 10 years or more but less than 15 years of continuous full-time state service is entitled to 1-1/2 days of annual leave for each calendar month of service. If an employee has not been in continuous public service, the period before the interruption will not be counted except as provided in NAC 284.5405.
2. An employee who has completed 15 years or more of total full-time state service is entitled to 1-3/4 days of annual leave for each calendar month of service. If an employee has not been in continuous public service, the period before the interruption will not be counted except as provided in NAC 284.5405.
3. Except for an employee who is on a leave of absence pursuant to NRS 281.390 or NRS 284.365 or NAC 284.580, the date an employee becomes eligible for an increased rate of annual leave must be delayed 8 hours for each day of leave without pay in excess of 240 hours or, in the case of an excluded classified employee or excluded unclassified employee, 30 working days in any 1 calendar year. For the purpose of this subsection, a day of leave is 8 hours, except for an employee who regularly works more than 80 hours in a biweekly period. For such an employee, a day of leave must be determined by dividing his regularly scheduled hours in a year by 2088 and multiplying the quotient by 8.

[Personnel Div., Rule VII Section C, eff. 8-11-73; A 2-5-82] -- (NAC A by Dep't of Personnel, 10-26-84; 3-27-92; 9-16-92; 11-16-95; 10-27-97)

NRS 281.390 states, "Sick leave of public employees: Election of benefits; amount limited when eligible for benefits for industrial or occupational disease.

1. When any public employee is eligible at the same time for benefits for temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS and for any sick leave benefit, he may, by giving notice to his employer, elect to continue to receive his normal salary instead of the benefits pursuant to chapters 616A to 616D, inclusive, or 617 of NRS until his accrued sick leave time is exhausted. The employer shall notify the state industrial insurance system or the insurer that provides industrial insurance for that employer of the election. The employer shall continue to pay the employee his normal salary but charge against the employee's accrued sick leave time as taken during the pay period an amount which represents the difference between his normal salary and the amount of any benefit for temporary total disability received, exclusive of reimbursement or payment of medical or hospital expenses pursuant to chapters 616A to 616D, inclusive, or 617 of NRS for that pay period.

2. When the employee's accrued sick leave time is exhausted, payment of his normal salary pursuant to subsection 1 must be discontinued and the employer shall promptly notify the state industrial insurance system or the insurer that provides industrial insurance for that employer so that it may begin paying the benefits to which the employee is entitled directly to the employee.

3. An employee who declines to make the election provided in subsection 1, may use all or part of the sick leave benefit normally payable to him while directly receiving benefits for temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS, but the amount of sick leave benefit paid to the employee for any pay period must not exceed the difference between his normal salary and the amount of any benefit received, exclusive of reimbursement or payment of medical or hospital expenses pursuant to chapters 616A to 616D, inclusive, or 617 of NRS for that pay period.

4. If the amount of the employee's sick leave benefit is reduced pursuant to subsection 3 below the amount normally payable, the amount of sick leave time charged against the employee as taken during that pay period must be reduced in the same proportion.

5. The public employee may decline to use any or part of the sick leave benefit normally payable to him while receiving benefits pursuant to chapters 616A to 616D, inclusive, or 617 of NRS. During that period of time the employee shall be considered on leave of absence without pay."

284.5385 Annual leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation; part-time employees.

1. Except as otherwise provided in NAC 284.580, an employee does not accrue annual leave during the time he is on leave without pay or on catastrophic leave.
2. A person who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS and makes the election provided in:
 - (a) Subsection 1 or 3 of NRS 281.390, is entitled to accrue annual leave during the period he is receiving those benefits and is being paid an amount of sick leave equal to the difference between his normal salary and the benefits received.
 - (b) Subsection 5 of NRS 281.390, must be placed on leave of absence without pay, unless the employee is on family and medical leave because a serious health condition prevents him from performing one or more of the essential functions of his position. Such an employee may, while he is on such leave, elect to use his accrued annual leave in lieu of being placed on leave of absence without pay.
3. An employee who does not have enough sick leave to make up the difference between his normal salary and the benefits for a temporary total disability must be placed on leave of absence without pay for the time he is receiving such benefits and the balance of time not covered by sick leave or other paid leave. Such an employee accrues annual leave only for the time he is covered by sick leave or other paid leave. The employee ceases to be on leave of absence without pay when he has exhausted all of his sick leave and is not approved for other leave.

4. Except as otherwise provided in NAC 284.5415 and this subsection, to compute the amount of annual leave to which an employee is entitled, an employee must be considered to work not more than 40 hours each week. If an employee occupies more than one position in different departments, he must be considered to work not more than 40 hours each week in each position.
5. A part-time employee is entitled to receive prorated annual leave on the basis of his rate of accrual for the equivalent of 1 month of full-time service.
6. An employee who holds two or more part-time positions in state service may combine the time from all positions to compute the credit toward annual leave.
7. The basis for the computation of the amount of annual leave to which an excluded classified employee or excluded unclassified employee is entitled must not exceed the number of hours authorized in the biennial operating budget of this state for his position.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 12-17-87; 7-14-88; 7-21-89; 8-1-91; 3-27-92; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95)

284.539 Annual leave: Authorized use; notice.

1. Except as otherwise provided in subsection 3 of NAC 284.5815, the appointing authority shall determine the time when annual leave is taken after considering the needs of the service and the seniority and wishes of the employee. Annual leave may not be granted in excess of the accumulated annual leave.
2. If an employee submits a written request for annual leave at least 60 days in advance, it must be honored except for good and sufficient reason. The approval or denial must be in writing within 15 workdays after receipt by the appointing authority of the written request for leave. The appointing authority may not prohibit an employee from using at least 5 consecutive days of annual leave in any calendar year.
3. An employee shall request annual leave at least 30 days in advance if the need for leave is foreseeable and the annual leave is to be taken in conjunction with a planned leave of absence without pay.
4. An employee who has accumulated both annual leave and compensatory time off, and who may lose annual leave at the end of the calendar year, may elect to use the annual leave instead of the compensatory time for approved leave. In all other instances, compensatory time must, as far as practicable, be exhausted before annual leave is used.
5. An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS may use his accrued annual leave to receive payment for the difference between his normal pay and the benefits received, if the employee has:
 - (a) Elected to use his accrued sick leave time pursuant to NRS 281.390; and
 - (b) Exhausted his accrued sick leave.

An employee who is on family and medical leave because a serious health condition prevents him from performing one or more of the essential functions of his position may use his accrued annual leave without complying with paragraphs (a) and (b).

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 6-18-86; 9-17-87; 7-14-88; 4-20-90; 3-23-94; 11-16-95)

284.5395 Annual leave: Payment upon separation from service.

Upon separation from state service after 6 months of continuous service an employee must be paid a lump-sum payment for any unused annual leave which he has earned through the last day worked. If this date is earlier than the last day of the month, the annual leave must be prorated.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.540 Annual leave: Records.

Each appointing authority shall keep accurate records of earned and used annual leave. If the records are not maintained on a computer they must be maintained manually.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.5405 Annual leave: Credit upon reinstatement, rehiring, reemployment or transfer.

1. Except as otherwise provided in this section, any employee who returns to state service following a separation is eligible to accrue annual leave based on his total service with the state after he has completed 3 years of continuous full-time service or the equivalent. The employee must requalify after each break in service.
2. An employee who is rehired within 1 year after being laid off accrues annual leave at a rate based on his total state service. He may use his annual leave immediately upon accruing it if he has completed 6 months of employment.
3. An employee with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 accrues annual leave at a rate based on his total state service. He may use his annual leave immediately upon accruing it if he has completed 6 months of employment.
4. An employee who is rehired within 1 year after being laid off is entitled to buy back the balance of the annual leave for which he received payment in a lump sum on the date of the layoff. The rate of pay at which he is rehired applies to the buying back of annual leave.
5. An employee with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 is entitled to buy back the balance of annual leave for which he received payment in a lump sum at the time of separation. The rate of pay at which he is reemployed applies to the buying back of annual leave.
6. If an employee who was laid off before completing 6 months of employment is rehired within 1 year of his layoff, the amount of the unpaid annual leave he had earned before the layoff must be restored to him.
7. If a person eligible for military reemployment is reemployed, he accrues annual leave at the rate which he would have earned if he had not left state service.
8. If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority the balance of his annual leave is charged to the agency to which he is appointed.
9. If a nonclassified employee, an unclassified employee of the University and Community College System of Nevada or an employee included in the personnel system pursuant to NRS 284.022 is appointed without a break in service to the classified or unclassified service, the annual leave which he has accrued is transferable. This may not exceed the amount remaining to the employee's credit and is subject to the maximum amount which is permitted by the classified or unclassified rate of accrual. The agency to which the employee is appointed is not responsible

for payment of any annual leave in excess of the amount which is transferable. It is the transferring employee's responsibility to seek payment of any excess amount of annual leave remaining to his credit from his former employer.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-19-88; 3-27-92; 11-12-93; 3-1-96)

284.541 Annual leave: Service in provisional, special disabled, emergency or temporary status: seasonal employees.

1. Service in a provisional, special disabled, emergency or temporary status must be credited toward annual leave if it is immediately preceded or followed by a status of appointment which enables the employee to obtain the required 6 months continuous service.
2. Service in a special position, which is temporary, in the University and Community College System of Nevada may be credited toward annual leave if it is immediately followed by probationary or permanent status.
3. An employee in a seasonal position who works a combined amount of time which equals 6 months is eligible for annual leave. The employee may choose to maintain the balance of the annual leave or receive a payment in lieu of annual leave upon his separation from the seasonal position if he has completed the qualifying period of 6 months. An employee who is not paid for his annual leave upon his separation from a seasonal position and who does not return to state service within 1 year must be paid the balance of his annual leave no later than 1 year after his termination if he has completed the qualifying period of 6 months.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-6-92)

NRS 284.355 states, "Leave for sickness and disability: Accrual; payment for unused leave; employees with mental or emotional disorders; forfeiture of leave.

1. Except as otherwise provided in this section, all employees in the public service, whether in the classified or unclassified service, are entitled to sick and disability leave with pay of 1-1/4 working days for each month of service, which may be cumulative from year to year. After an employee has accumulated 90 working days of sick leave, the amount of additional unused sick leave which he is entitled to carry forward from one year to the next is limited to one-half of the unused sick leave accrued during that year, but the department may by regulation provide for subsequent use of unused sick leave accrued but not carried forward by reason of this limitation in cases where the employee is suffering from a long term or chronic illness and has used all sick leave otherwise available to him. Upon the retirement of an employee, his termination through no fault of his own or his death while in public employment, the employee or his beneficiaries are entitled to payment for his unused sick leave in excess of 30 days, exclusive of any unused sick leave accrued but not carried forward, according to his number of years of public service except service with a political subdivision of the state, as follows:

- (a) For 10 years of service or more but less than 15 years, not more than \$2,500.
- (b) For 15 years of service or more but less than 20 years, not more than \$4,000.
- (c) For 20 years of service or more but less than 25 years, not more than \$6,000.
- (d) For 25 years of service or more, not more than \$8,000.

The department may by regulation provide for additional sick and disability leave for long-term employees and for prorated sick and disability leave for part-time employees.

2. An employee entitled to payment for unused sick leave pursuant to subsection 1 may elect to receive the payment in any one or more of the following forms:

- (a) A lump-sum payment.

(b) An advanced payment of the premiums for insurance coverage for which he is otherwise eligible pursuant to chapter 287 of NRS. If the insurance coverage is terminated and the money advanced for premiums pursuant to this subsection exceeds the amount which is payable for premiums for the period for which the former employee was actually covered, the unused portion of the advanced payment must be paid promptly to the former employee or, if he is deceased, to his beneficiary.

(c) The purchase of additional retirement credit, if he is otherwise eligible pursuant to chapter 286 of NRS.

3. Officers and members of the faculty of the University and Community College System of Nevada are entitled to sick and disability leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.

4. The department may by regulation provide policies concerning employees with mental or emotional disorders which:

(a) Utilize a liberal approach to the granting of sick leave or leave without pay when it is necessary for them to be absent for treatment or temporary hospitalization.

(b) Provide for the retention of their jobs for reasonable periods of absence, and where extended absence necessitates separation or retirement, provide for their reemployment if at all possible after recovery.

(c) Protect employee benefits such as retirement, life insurance and health benefits.

5. The director shall establish by regulation a schedule for the accrual of sick leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of sick leave at the same rate proportionately as employees who work a 40-hour week accrue sick leave.

6. The department may investigate any instance in which it believes that an employee has taken sick or disability leave to which he was not entitled. If, after notice to the employee and a hearing, the commission determines that he has in fact taken sick or disability leave to which he was not entitled, the commission may order the forfeiture of all or part of his accrued sick leave."

284.5415 Annual leave and sick leave: Exception employees.

1. As used in this section:

(a) "Exception employee" means an employee whose normally scheduled hours of work are more than 80 hours biweekly; and

(b) "Regular employee" means an employee whose normally scheduled hours of work are 8 hours per day, 40 hours per week or 80 hours biweekly.

2. An exception employee is entitled to accrue annual leave and sick leave based on his average workday. The average workday of such an employee must be determined by dividing the total scheduled hours of work per year by 2,088 and multiplying the quotient by 8.

3. When an exception employee is appointed to a job classification with a schedule of work as a regular employee, the accrued annual leave and sick leave of the exception employee must be converted to the amount of annual leave and sick leave that would have been accrued as a regular employee.

4. When a regular employee is appointed to a job classification with a schedule of work as an exception employee, the accrued annual leave and sick leave of the regular employee must be converted to the amount of annual leave and sick leave that would have been accrued as an exception employee.

5. For the purposes of this section, a fireman is an exception employee and shall be deemed to work an average of 56 hours per week and 2,912 hours per year.

(Added to NAC by Dep't of Personnel, 9-13-91, eff. 10-1-91; A 3-1-96)

NRS 284.3624 states, "Catastrophic leave: review of status of catastrophe; termination of leave; disposition of hours not used.

1. The appointing authority shall review the status of the employee regarding the catastrophe and determine when the need to take leave for the catastrophe no longer exists.
2. The appointing authority shall not grant any hours of leave from the account for catastrophic leave after:
 - (a) The need to take leave for the catastrophe ceases to exist; or
 - (b) The employee who is receiving the leave resigns or his employment with the appointing authority is terminated.
3. Any leave which the employee received from the account for catastrophic leave which was not used at the time the need to take leave for the catastrophe ceases to exist or upon the resignation or termination of the employment of the employee must be returned to the account for catastrophic leave."

NRS 284.3625 states, "Catastrophic leave: maintenance of records; reports to director.

Each appointing authority shall maintain records and report to the director any information concerning the use of an account for catastrophic leave to evaluate the effectiveness, feasibility and cost to carry out the provisions of NRS 284.362 through NRS 284.3626, inclusive."

NRS 284.3626 states, "Catastrophic leave: regulations of commission.

The commission shall adopt regulations to carry out the provisions of NRS 284.362 through NRS 284.3626, inclusive."

284.575 Catastrophic leave: Interpretation of certain statutory terms.

As used in NRS 284.362:

1. "Lengthy convalescence" means a period of disability which an attending physician expects to exceed 10 weeks.
2. "Life threatening" means a condition which is diagnosed by a physician as creating a substantial risk of death.

(Added to NAC A by Dep't of Personnel, eff. 8-14-90)

284.576 Catastrophic leave: Use; notice; powers and duties of appointing authority.

1. An account for catastrophic leave may be established for an employee when he or a member of his immediate family experiences a catastrophe and the employee has used all of his accrued leave.
2. An employee who is affected by a catastrophe and has used or is about to use all of his leave may request, on the appropriate form, the transfer of leave to an account for catastrophic leave for his personal use after the balance of all of his leave has been used.
3. When a member of the immediate family of an employee is affected by a catastrophe, the appointing authority of the employee may require substantiating evidence that the member of the immediate family requires the employee's attendance before approving the transfer of leave to an account for catastrophic leave for use by the employee. Such evidence may include a statement by an attending physician regarding the status of the catastrophe.
4. The approval or denial of the request is at the discretion of the appointing authority, who shall take into consideration the nature of the catastrophe and the expected duration of the leave.
5. An employee who wishes to donate hours to an account for catastrophic leave for use by another employee who has been approved to receive the donated hours shall notify his appointing authority on the appropriate form of his intent to donate the leave leave. The appointing authority of the employee donating the leave shall submit a copy of the form to the appointing authority of the employee receiving the leave.

The appointing authority of the recipient shall use the notice to effect a transfer of leave from the account of the donor to the account of the recipient when the recipient needs to use those hours. If more than one notice of intent to donate leave is received by the recipient's appointing authority on behalf of the recipient, the notices must be maintained in chronological order and used, one at a time as needed, according to the date in which they were received.

6. A donor and his appointing authority must be notified on the appropriate form when the donated leave specifically designated for use by another employee has been used or if the amount of leave donated is in excess of the amount approved for use by the recipient. Excess leave must be restored to the account of the donor within 30 working days after the last day on which the recipient was eligible to receive catastrophic leave.
7. The appointing authority shall provide the following information on a calendar year basis or as requested by the director:
 - (a) Each employee under its authority, identified by a number assigned in accordance with subsection 8, donating or using catastrophic leave, his grade and rate of pay and the number of hours and dollar value of the leave donated, excluding any excess leave restored to the account of a donor, pursuant to subsection 6, or used by the employee;
 - (b) The period and nature of the disability for each employee using catastrophic leave; and
 - (c) A comparison of the average dollar value of the accounts for catastrophic leave based on the average rate of pay of the donors and the average dollar value of the leave taken by the recipients.
8. The appointing authority shall assign numbers to employees for the purposes of subsection 7 in a sequential order and in such a manner that ensures the confidentiality of the identity of those employees.
9. Hours donated to an account for catastrophic leave must be donated in increments of 8 hours.
10. As used in this section, "immediate family" has the meaning ascribed to it in NAC 284.562.

(Added to NAC by Dep't of Personnel, eff. 10-18-89; A 8-14-90; 3-23-94)

284.577 Catastrophic leave: Voluntary repayment of hours used.

An employee who has used hours from an account for catastrophic leave may voluntarily repay the account for those hours. The amount required to repay the hours must be based on his rate of pay at the time he used the hours.

(Added to NAC by Dep't. of Personnel, eff. 3-1-96)

NRS 284.360 states, "Leave of absence without pay.

1. Any person holding a permanent position in the classified service may be granted a leave of absence without pay. Leave of absence may be granted to any person holding a position in the classified service to permit acceptance of an appointive position in the unclassified service. Leave of absence must be granted to any person holding a position in the classified service to permit acceptance of a position in the legislative branch during a regular or special session on the legislature, including a reasonable period before and after the session if the entire period of employment in the legislative branch is continuous.

2. If a person is granted a leave of absence without pay to permit acceptance of an appointive position in the unclassified service or a position in the legislative branch, any benefits earned while he is in the:

(a) Classified service are retained and must be paid by the employer in the classified service, whether or not the person returns to the classified service.

(b) Unclassified service or employed by the legislative branch are retained and must be paid by the appointing authority in the unclassified service or by the legislative branch, if he does not return to the classified service, or by the employer in the classified service, if he returns to the classified service.

3. Any person in the unclassified service, except members of the academic staff of the University and Community College System of Nevada, may be granted by the appointing authority a leave of absence without pay for a period not to exceed 6 months.

4. Officers and members of the faculty of the University and Community College System of Nevada may be granted leaves of absence without pay as provided by the regulations prescribed pursuant to subsection 2 of NRS 284.345.

5. Except as otherwise provided in subsection 6, a person in the classified or unclassified service who:

(a) Is the natural parent of a child who is less than 6 months old; or

(b) Has recently adopted a child,

must be granted, upon request, a leave of absence without pay for a period not to exceed 12 weeks. Such a request by natural parents must be submitted at least 3 months before the date upon which the requested leave will begin, unless a shorter notice is approved by the employer. Such a request by adoptive parents must be submitted not fewer than 2 working days after the parents receive notice of the approval of the adoption. This subsection does not affect the rights of an employee set forth in NRS 284.350 or 284.355.

6. The provisions of subsection 5 are effective only if the Family Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., or a subsequent federal law ceases to provide for a parental leave of absence of at least 12 weeks."

284.578 Leaves of absence without pay: designation as family and medical leave.

1. Except as otherwise provided in NRS 284.360, a leave of absence without pay may be granted to an employee for not more than 1 year by the appointing authority for any satisfactory reason.
2. The commission, upon the recommendation of the appointing authority, may grant leaves of absence without pay in excess of 1 year for purposes deemed beneficial to the public service.
3. An appointing authority may require an employee on leave of absence without pay to submit every 2 weeks a statement of his intent to return to work.
4. Except as otherwise provided in NRS 281.390, if the reason for granting the leave no longer exists, or for another bona fide reason, the appointing authority may revoke the leave after notifying the employee in writing and allowing a reasonable time for the employee to return to work.
5. An employee shall request leave without pay at least 30 days in advance of when the need for the leave is foreseeable, if practicable.

[Personnel Div., Rule VII Section E subsecs. 1-4, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 3-23-94; 10-27-97)

284.580 Leave of absence without pay during fiscal emergency of state.

1. Except as otherwise provided in subsection 5, upon the request of an employee, an appointing authority may grant a leave of absence without pay for a fiscal emergency of the state during any period for which the governor has declared that the state will experience a shortfall in revenue or for any other reason is in a state of fiscal emergency.
2. The appointing authority shall reduce the pay of an employee to whom a leave of absence is granted pursuant to subsection 1 by an amount equal to the compensation otherwise payable for the hours for which the leave is approved.
3. The hours for which payment is withheld pursuant to subsection 2:
 - (a) Must be treated as hours in paid status for the purposes of NAC 284.182, 284.282, 284.448, 284.526, 284.538, 284.5385, 284.544 and 284.614.
 - (b) Must not be considered as time worked in calculating overtime.
4. After notifying the employee in writing and allowing a reasonable period for the employee to return to work, an appointing authority:
 - (a) Shall revoke any leave approved pursuant to subsection 1 upon a declaration by the governor that the fiscal emergency no longer exists.
 - (b) May revoke any leave approved pursuant to subsection 1 for any other bona fide reason.
5. An appointing authority shall not approve leave pursuant to subsection 1 that consists of any partial working days for an excluded classified employee or excluded unclassified employee.
6. As used in subsection 5, "partial working day" means any portion of a day that is less than the full regular working day of the employee to whom this subsection is being applied.

(Added to NAC by Dep't of Personnel, eff. 9-16-92; A 11-12-93; 3-23-94)

284.581 Family and medical leave: Eligibility.

1. An employee is eligible for family and medical leave if he:
 - (a) Has at least 12 months of service with the state on the date that the leave commences, regardless of whether such service is continuous;
 - (b) Has at least 1,250 hours of service with the state during the 12 months preceding the day that the leave commences;
 - (c) Is employed, on the day that he gives notice of the need for leave, at a worksite where the state employs at least 50 employees within 75 miles of the worksite; and
 - (d) Has used less than 12 work weeks that have been designated family and medical leave during the current calendar year.
2. To calculate the hours of service for the purposes of this section, paid leave shall be considered as time worked.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95)

284.5811 Family and medical leave: Maximum annual amount.

No more than 12 work weeks of one or any combination of paid leave or leave without pay may be designated as family and medical leave in 1 calendar year.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95)

284.5813 Family and medical leave: Records; notice of obligations and effects.

1. Each appointing authority shall maintain accurate records of family and medical leave used by its employees, including any form approved for requesting family and medical leave.

2. Upon granting the family and medical leave or becoming aware that an eligible employee is using leave, with or without pay, in a manner which would otherwise qualify as family and medical leave, the appointing authority shall provide notice to the employee which details the obligations of the employee and the effects of using the leave. A copy of this notice must be retained in the personnel file of the employee maintained by the agency.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; 3-1-96)

284.5815 Family and medical leave: Notice; use of paid leave; statement of intent to return; placement of employee upon return from leave.

1. Except as otherwise provided in this section and subsection 7 of NAC 284.5819, an appointing authority shall grant family and medical leave to an eligible employee who gives at least 30 days' notice or gives notice as soon as practicable under the circumstances. If an employee elects to use paid leave instead of using family and medical leave in the form of a leave of absence without pay, the employee shall comply with the notice requirements governing the use of paid leave unless such notice requirements are more stringent than the 30-day notice required for family and medical leave.
2. An appointing authority may require an eligible employee to use annual leave, sick leave or catastrophic leave instead of using family and medical leave in the form of a leave of absence without pay, unless the employee is on family and medical leave because of a disability related to work, is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS, and elects not to supplement his benefits with paid leave.
3. An eligible employee may request the use of annual leave, sick leave or catastrophic leave instead of using family and medical leave in the form of a leave of absence without pay. The use of accrued annual leave must not be denied if the family and medical leave is granted in accordance with subsection 1 and the employee has completed his first 6 months of employment. An employee may request the use of compensatory time off for a purpose that would qualify him to use family and medical leave. An employer shall not unreasonably deny such a request. If the employer permits the use of compensatory time off for such purpose, the use of compensatory time off must not be counted against the employee's entitlement to 12 work weeks of family and medical leave.
4. Authorization to use paid leave pursuant to this section is subject to the provisions of NAC 284.539, 284.554, 284.558 and 284.576, as applicable.
5. Paid leave and leave without pay used may not be designated as family and medical leave after the employee has returned to work, unless:
 - (a) The appointing authority did not learn the reason for the leave until the employee returned to work and the appointing authority designates the leave as family and medical leave within 2 working days after the date the employee returns to work; or
 - (b) The appointing authority provisionally designated the leave as family and medical leave and is awaiting documentation to confirm that the leave qualifies as family and medical leave.
6. An appointing authority may require an employee who is taking family and medical leave to submit every 2 weeks a statement of his intent to return to work.
7. At the conclusion of family and medical leave, the employee must be returned to his position or to an equivalent position, unless the employee would not otherwise have been employed in such a position if leave had not been taken.

(Added to NAC by Dep't of Personnel, eff. 3-23-94) — (NAC A by Dep't of Personnel, eff. 11-16-95; 10-27-97)

284.5817 Family and medical leave: Birth or placement through adoption or foster care of child.

Family and medical leave which is taken for the birth of a child of an eligible employee and the care of that child or for the placement of a child through adoption or foster care with the employee:

1. May be taken in the form of intermittent leave or reduced leave if approved by the appointing authority.
2. Must be concluded within 12 months after the date of the birth of the child or placement of the child with the eligible employee.
3. May be limited to a combined 12 work weeks if both parents are eligible employees. The combined 12 work weeks must not include any family and medical leave which is taken because of a serious health condition of:
 - (a) The employee which makes him unable to perform one or more of the essential functions of his position; or
 - (b) The spouse, child or parent of the eligible employee.

(Added to NAC by Dep't of Personnel, eff. 3-23-94) — (NAC A by Dep't of Personnel eff, 11-16-95; 10-27-97)

284.5819 Family and medical leave: Serious health condition.

1. Family and medical leave may be granted to an eligible employee if the employee:
 - (a) Is needed to care for his spouse, child or parent with a serious health condition; or
 - (b) Has a serious health condition which makes him unable to perform one or more of the essential functions of his position.
2. Family and medical leave taken pursuant to this section may include leave necessitated because:
 - (a) Of a disease or an injury to the employee that is related to his work; or
 - (b) The employee is incapacitated because of pregnancy or childbirth.
3. An appointing authority may require an employee to provide certification from a provider of health care, on the appropriate form as provided by the department of personnel, of the serious health condition of the employee or the spouse, child or parent of the employee, to substantiate the need for family and medical leave taken pursuant to this section before granting a request to commence family and medical leave. If an employee uses sick leave rather than family and medical leave in the form of a leave of absence without pay, the employee shall comply with the certification requirements of NAC 284.566.
4. Except as otherwise provided in this section, an appointing authority may require subsequent recertification from a provider of health care at reasonable intervals of 30 days or more, or if the current certification on file specifies a minimum period of incapacity, after that specified period has expired.
5. For a serious health condition other than a condition described in subsection 6, an appointing authority may require subsequent recertification from a provider of health care at any time:
 - (a) If the employee requests an extension of leave;

NRS 293.463 states, "Employees may absent themselves from employment to vote: Procedure; penalty."

1. Any registered voter may absent himself from his place of employment at a time to be designated by the employer for a sufficient time to vote, if it is impracticable for him to vote before or after his hours of employment. A sufficient time to vote shall be determined as follows:

(a) If the distance between the place of such voter's employment and the polling place where such person votes is 2 miles or less, 1 hour.

(b) If the distance is more than 2 miles but not more than 10 miles, 2 hours.

(c) If the distance is more than 10 miles, 3 hours.

2. Such voter may not, because of such absence, be discharged, disciplined or penalized, nor shall any deduction be made from his usual salary or wages by reason of such absence.

3. Application for leave of absence to vote shall be made to the employer or person authorized to grant such leave prior to the day of the election.

4. Any employer or person authorized to grant the leave of absence provided for in subsection 1, who denies any registered voter any right granted under this section, or who otherwise violates the provisions of this section, is guilty of a misdemeanor."

284.586 Civil leave with pay to vote.

Civil leave with pay must be granted to allow an employee time off to vote subject to the conditions established in NRS 293.463.

[Personnel Div., Rule VII Section E subsec. 7, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

NRS 281.147 states, "Leave of absence for duty as American National Red Cross disaster technician."

Any public officer or employee of the state or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is classified by the American National Red Cross as a disaster technician must be relieved from his duties, upon the request of the American National Red Cross and the approval of his employer, to assist the American National Red Cross during a disaster described in NRS 414.020 which occurs in this state or California, Oregon, Idaho, Utah or Arizona, without loss of his regular compensation for a period of not more than 15 working days in any calendar year. No such absence may be a part of the annual vacation of the public officer or employee which is provided for by law."

NRS 284.357 states, "Deduction from salary for service during working hours as volunteer fireman, volunteer medical technician, volunteer reserve member of police department or sheriff's office or volunteer ambulance driver or attendant prohibited."

1. All employees, whether in the classified or in the unclassified service of the State of Nevada, must be paid their salaries as fixed by law without diminution on account of any time spent away from state employment while acting as:

(a) Volunteer firemen of any regular organized and recognized fire department in the protection of life or property;

(b) Volunteer emergency medical technicians certified pursuant to chapter 450B of NRS;

(c) Volunteer reserve members of a police department or a sheriff's office; or

(d) Volunteer ambulance drivers or attendants,

during working hours or fractions thereof which should otherwise have been devoted to state employment.

2. As used in this section, "volunteer ambulance driver or attendant" means a person who is a driver of or attendant on an ambulance owned or operated by:

(a) A nonprofit organization that provides volunteer ambulance service in any county, city or town in this state; or

(b) A political subdivision of this state."

284.587 Civil leave with pay for acting as a fireman or meeting other emergency.

Civil leave with pay must be granted to an employee who meets the requirements of NRS 284.357, and may also be granted by the appointing authority to an employee whose absence from the job is necessary to meet a public emergency.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

NRS 284.345 states in part, "Regulations for attendance and leaves of absence;...

1. ...the director shall prescribe regulations for attendance and leaves with or without pay or reduced pay in various classes of positions in the public service."

284.589 Administrative leave with pay.

1. An appointing authority may grant administrative leave with pay to an employee:
 - (a) To relieve him of his duties during the active investigation of a suspected criminal violation or the investigation of an alleged wrongdoing;
 - (b) For up to 2 hours to donate blood; or
 - (c) To relieve him of his duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065.
2. An appointing authority or the department of personnel may grant administrative leave with pay to an employee for:
 - (a) His participation in, or attendance at, activities which are directly or indirectly related to the employee's job or his employment with the state but which do not require him to participate or attend in his official capacity as a state employee; or
 - (b) Closure of the employee's office or worksite caused by a natural disaster or other similar adverse condition **when the employee is scheduled and expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.**
3. An appointing authority shall grant administrative leave with pay to an employee for:
 - (a) The initial appointment and one follow-up appointment if the employee receives counseling through the employee assistance program;
 - (b) His attendance at a wellness fair which has been authorized by the risk management division of the department of administration;
 - (c) His participation in an official capacity as a member of a committee or board created by statute on which he serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board; or
 - (d) Up to 8 hours for preparation for hearings regarding his suspension, demotion or dismissal as provided in subsection 1 of NAC 284.656.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-20-90; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 9-13-91; 12-26-91; 11-12-93; 3-23-94; 11-16-95; 10-27-97)

NRS 281.1275 states in part, "Reduction in salary of certain public officers and employees for part-day absence from work prohibited; accounting for part-day absence; exception.

1. Except as permitted by the federal Family and Medical Leave Act of 1993, the salary of a public officer or employee of the state or any agency thereof, or of a political subdivision or any agency thereof, who is not entitled pursuant to federal or state law, local ordinance, or policy or contract of employment to earn overtime at the rate of time and one-half, must not be reduced for an absence from work for part of a day."

284.5895 Computation of leave for excluded classified and unclassified employees.

1. For the purposes of accounting for the use of leave appropriate to an absence, an absence of an excluded classified employee or excluded unclassified employee for a full workday shall be deemed to be an absence for a period equal to his regularly scheduled hours of employment on that workday.
2. Except when an absence for part of a workday is authorized for family and medical leave, an excluded classified employee or excluded unclassified employee must only account for an absence of one or more full workdays by the use of leave appropriate to the absence, and is not required to account for any absence for part of a workday by the use of leave appropriate to the absence.
3. An excluded classified employee or excluded unclassified employee must not account for an absence for a full workday by the use of a combination of accrued sick leave and accrued annual leave unless:
 - (a) He is on family and medical leave; or
 - (b) He has been approved for catastrophic leave and the catastrophic leave is used as a supplement for the remaining sick and annual leave.
4. If an excluded classified employee or excluded unclassified employee does not have accrued leave appropriate to the absence in an amount sufficient to account for an authorized absence, the employee must be placed on leave of absence without pay for that workday unless he is approved to use catastrophic leave .

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95)

NRS 281.145 states, "Leave of absence for military duty. Any public officer or employee of the state or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve, or the Nevada National Guard must be relieved from his duties, upon his request, to serve under orders without loss of his regular compensation for a period of not more than 15 working days in any 1 calendar year. No such absence may be a part of the employee's annual vacation provided for by law."

NRS 284.365 states, "Military leaves of absence; reinstatement. A permanent or probationary employee who performs active military service under the provisions of any national military service or training act, or who voluntarily serves in the Armed Forces of the United States in time of war, or in such types of service as the director by regulation may prescribe, is, upon application, entitled to leave of absence without pay for the period of such service plus a period not to exceed 90 days. If within that period he applies for reinstatement, he must be reinstated to his former class of position, or to a class of position having like seniority, status and pay, or, if those positions have been abolished, to the nearest approximation thereof consistent with the circumstances."

284.590 Employees required to report absences.

An officer or employee who is absent from duty shall report the reason therefor to his supervisor or designated representative as prescribed in writing by the agency.

[Personnel Div., Rule VII Section F, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.594 Unauthorized absences.

1. An unauthorized and unreported absence must be considered an absence without leave and a deduction of pay must be made for the absence.
2. A deduction of pay may be made for a reported but unauthorized absence when the appointing authority declines to authorize the leave for reasons which are substantial and just.
3. Such absences may be made the grounds for disciplinary action.

4. A deduction from the pay of an excluded classified employee or excluded unclassified employee must be made in increments of a full workday.

[Personnel Div., Rule VII Section G, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 1-26-87; 11-16-95)

284.598 Breaks in continuous service.

The following are not breaks in continuous service:

1. Authorized military leave for active service if the person is reemployed within 90 calendar days after an honorable discharge from military service.
2. Separation because of layoff if a former employee is rehired within 1 year after the date he was laid off.
3. Reemployment of a seasonal employee within 1 year after the end of the previous seasonal appointment.
4. Separation because an employee sustained a permanent disability arising from a disability related to work, if the former employee was reemployed not later than 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013.

[Personnel Div., Rule VII Section H, eff. 8-11-73; A 7-3-76] -- (NAC A by Dep't of Personnel, 8-26-83; 4-19-88; 3-1-96)

INFORMATIONAL NOTE: Certain personnel actions, such as transfers, authorized leave without pay and those separations listed above in NAC 284.598, do not constitute a break in continuous service but may result in adjustments to pay, benefits computation of seniority, and/or probationary periods as provided in this chapter.

NRS 284.379 states, "Separation or disability retirement of person with disability. In the employment and utilization of a person with a disability in the state service, continued efforts must be made to retain the person by making reasonable accommodations that enable him to meet the necessary performance requirements and to enjoy the benefits and privileges of his position. Separation or disability retirement is in order only after it becomes apparent that a condition does not respond to treatment."

NRS 281.390 states in part, "Sick leave of public employees: Election of benefits; amount limited when eligible for benefits for industrial or occupational disease.

5. The public employee may decline to use any or part of the sick leave benefit normally payable to him while receiving benefits pursuant to chapters 616A to 616D, inclusive, or 617 of NRS. During that period of time the employee shall be considered on leave of absence without pay."

284.611 Separation for physical, mental or emotional disorder.

1. Before separating an employee because of a physical, mental or emotional disorder which results in the inability of the employee to perform the essential functions of his job, the appointing authority shall:
 - (a) Verify with the employee's physician that the condition does not respond to treatment or an extended absence from work will be required;
 - (b) Determine whether reasonable accommodation can be made to enable the employee to perform the essential functions of his job;
 - (c) Request the services of the rehabilitation division of the department of employment, training and rehabilitation, or if the employee is receiving worker's compensation, the rehabilitation agency of the state industrial insurance system, to evaluate the employee's condition as it relates to his job, to suggest possible restructuring of the job or transferring the employee to a vacant position for which he meets the minimum qualifications and to provide any other rehabilitative services possible; and
 - (d) Ensure that all reasonable efforts have been made to retain the employee.
2. A separation is only justified when:
 - (a) The information obtained through the procedures specified in subsection 1 supports the decision to separate;
 - (b) The employee is not on sick leave, annual leave or other approved leave; and
 - (c) The employee is ineligible for, or has refused, disability retirement.
3. A permanent employee separated pursuant to this section is entitled to the same rights and privileges afforded permanent employees who are dismissed for disciplinary reasons. The procedures contained in NAC 284.656 must be followed and he may appeal his separation to the hearing officer.
4. A permanent employee who is separated because of a physical, mental or emotional disorder is eligible for reinstatement pursuant to NAC 284.386 if he recovers from the disorder within 2 years after his termination.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91; 12-26-91; 7-6-92)

NRS 284.380 states, "Layoffs; reemployment lists."

1. In accordance with regulations, an appointing authority may lay off an employee in the classified service whenever he deems it necessary by reason of shortage of work or money or of the abolition of a position or of other material changes in duties or organization.
2. Among other factors, an appointing authority shall consider, in the manner provided by regulation, the status, seniority and service rating of employees in determining the order of layoffs.
3. Within a reasonable time before the effective date of a proposed layoff, the appointing authority shall give written notice thereof to the director. The director shall make such orders relating thereto as he considers necessary to secure compliance with the regulations.
4. The name of every regular employee so laid off must be placed on an appropriate reemployment list."

NRS 286.3007 states in part, "Purchase by state agency of credit for service: Conditions."

3. If a state agency is required to reduce the number of its employees, it shall purchase credit for service pursuant to NRS 286.300 for any member who:
 - (a) Is eligible to purchase credit;
 - (b) Is eligible to retire or will be made eligible by the purchase of the credit;
 - (c) Agrees to retire upon completion of the purchase; and
 - (d) Has been employed by the agency for 5 or more years.
4. If a state agency is required to purchase credit pursuant to subsection 3, it shall pay 5 percent of the cost of purchasing the credit and an additional 5 percent of the cost for each year that the person has been employed by the agency in excess of the minimum requirement of 5 years."

284.612 Layoffs: Definitions.

For the purposes of NAC 284.614 to 284.630, inclusive:

1. "Geographical location" means:
 - (a) Clark, Lincoln, Nye and Esmeralda counties;
 - (b) Carson City, Lyon, Churchill, Storey, Douglas, Mineral and Washoe counties;
 - (c) Pershing, Humboldt, Elko, Lander, Eureka and White Pine counties; or
 - (d) Any city located outside of this state.
2. "Option" means a clearly identified subclassification mentioned in the class specification approved by the commission.
3. "Seniority" is computed from the total time spent during currently continuous state service by doubling the time spent in the present occupational class, as defined in NRS 284.171, and adding it to the time spent in all former occupational classes. If seniority is otherwise equal, a choice must be based first, on total time within the occupational class; second, on total time within the department; and third, by lot. For reemployment, ties are broken by lot.

(Added to NAC by Dep't of Personnel, eff. 8-26-83; A 10-26-84; 7-21-89; 11-16-95)

284.614 Layoffs: Procedure.

1. Except as otherwise provided in NAC 284.438, if it becomes necessary for a classified employee to be laid off because of shortage of work or money, the abolition of a position or some other material change in duties or organization:
 - (a) The administrator of the department shall determine in what geographical location, class series, class and option the reductions in staff will have the least detrimental effect on the operations of the department and shall specify layoffs accordingly. In the department of human resources and the University and Community College System of Nevada, the administrator of a division, with the approval of the director of the department, shall determine in what geographical location, class series, class and option the reduction of staff will have the least detrimental effect on operations and shall specify the layoffs accordingly.

- (b) Within the department and within the geographical location class series, class and option selected, all employees of the department who are not permanent must be laid off before any permanent employees in the following order:
 - (1) Emergency employees.
 - (2) Temporary employees.
 - (3) Provisional employees.
 - (4) Probationary employees.
 - (c) If additional reductions are necessary, permanent employees must be laid off on the basis of performance and seniority. In computing seniority, the time covered by a report of performance "below standard" or "unacceptable" made during the last 4 years must not be included, except that no report may be considered for the time covered within 75 calendar days before the notification of layoff was issued. Except as otherwise provided in this paragraph, the time "covered" by a report of substandard performance runs from the date the report was filed with the director until the date recorded on the employee's subsequent performance report as the date on which his performance improved to standard or better. If the subsequent performance report is not filed within 30 days after the date required by subsection 4 of NRS 284.340, the employee's performance shall be deemed standard effective on the date the performance report was due.
 - (d) In the department and within the geographical location, class series, class and option where layoffs are to take place, those employees with the least seniority must be laid off.
 - (e) For the purposes of this subsection, an appointing authority may consider whether positions are full-time or part-time and limit layoffs to full-time or part-time employees. Similar considerations may be given to and limitations placed on positions requiring selective certification pursuant to NAC 284.378.
2. When determining seniority for order of layoff:
- (a) Seniority must be projected and counted up to the established date of layoff.
 - (b) Seniority for part-time employment must be prorated to its full-time equivalent.
 - (c) If a classified employee enters unclassified service and subsequently reenters classified service, his previous and current classified service is counted.
 - (d) Except as otherwise provided in NAC 284.580, authorized leave without pay for more than 240 hours or, in the case of an excluded classified employee, 30 working days, in a year, calculated pursuant to subsection 7 of NAC 284.182, is not counted.
 - (e) When an employee was separated from service with the state for any of the reasons that do not result in a break in continuous service as provided in NAC 284.598, the time during the separation is not counted.

[Personnel Div., Rule XIII Section B subsec. 1, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 8-26-83; 8-28-85; 8-22-86; 7-21-89; 8-1-91; 3-27-92; 9-16-92; 11-16-95; 10-27-97)

284.618 Layoffs: Voluntary demotions.

- 1. In lieu of being laid off, a permanent employee may choose to be voluntarily demoted within the department and geographical location where employed to one of the next lower classes:
 - (a) Within his current class series and option and may displace an employee therein; or

- (b) Within the class series and option from which he was appointed during current continuous service and may displace an employee therein but only if he cannot be demoted pursuant to paragraph (a). If the class series from which he was employed was in a different occupational class, his seniority for the purposes of this paragraph only is based on the time he spent in the former occupational class as provided in subsection 3 of NAC 284.612.

The choice must be made in writing within 3 working days after notification of layoff. For the purposes of this section, divisions of the department of human resources and the University and Community College System of Nevada are considered departments.

2. No employee in a higher class may displace an employee in a lower class who has more seniority. If an employee chooses to displace another, he must displace the member of the next lower class who has the least seniority. If that member has more seniority, the displacing employee must descend further in the class series.
3. The employees displaced reestablish the layoff class.
4. An employee may choose to displace another only if he meets the minimum qualifications for the class, option and position from which the other will be displaced. For the purposes of this subsection, qualifications for a position may be different from those of the class and option only when selective certification is required pursuant to subsection 2 of NAC 284.378.
5. Full-time, part-time and seasonal employees must be treated separately and can only displace like employees.
6. Displacement is always a downward movement, never a lateral movement.
7. A current employee who elects to displace another has priority over former employees already on reemployment lists.
8. The salary paid the displacing employee cannot exceed the highest step for the lower class. If the current salary falls within the lower rate range, no reduction in salary may occur unless money is not available as certified by the chief of the budget division or, in the case of an agency which is not supported from the state general fund, as certified by the administrator of that agency.

[Personnel Div., Rule XIII Section B subsec. 2, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 7-21-89; 8-1-91)

284.626 Layoffs: Notice.

All permanent employees to be laid off must be given written notice of the layoff at least 30 calendar days before the effective date of the layoff. A copy of the layoff computations and a copy of the notice must be sent to the department of personnel. The notice must specifically list the positions and locations where that employee has a current right to displace another employee, if those positions and locations are known at the time of notification.

[Personnel Div., Rule XIII Section B subsec. 5, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 8-26-83; 8-1-91)

284.630 Layoffs: Reemployment.

1. The names of permanent employees who have received their notices of layoff will be placed on the statewide reemployment list for the class and option of the position involved in the layoff, in order of seniority. If applicable, the names will be integrated with the names of employees who are eligible for reemployment pursuant to NAC 284.6014. The agency and the employee shall provide the necessary information for reemployment on the form prescribed by the department of personnel for the employee to be placed on the reemployment list.
2. The names of permanent employees who have received their notices of layoff will also be placed on the statewide reemployment lists for other classes for which they qualify, in order of seniority, but behind those identified in subsection 1, if those classes do not

PERSONNEL RECORDS

284.702 Reports of personnel actions.

1. Each appointing authority shall report promptly to the department of personnel such information as required in connection with each appointment, separation from service, other change in position or salary or other matters affecting the status of positions or the performance of duties of employees in the state service.
2. All reports must be prepared in the manner and on the forms prescribed by the department.
3. The department will establish procedures for sending copies of reports and notices to the state controller without delay of any new positions, new employees and of its approval or disapproval of these actions.

[Personnel Div., Rule XVI Section A subsec. 1, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 7-1-94)

284.706 Notification of improper employment or payment.

If the department of personnel determines that a person is employed or proposed to be employed or paid as an employee in the classified or unclassified service in a manner which is contrary to the applicable laws and regulations, it will so notify the state controller after it has reviewed the employment or proposed employment with the agency concerned.

[Personnel Div., Rule XVI Section A subsec. 2, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 7-14-88)

284.710 Order of processing personnel documents.

Any personnel documents effecting changes in an employee's salary and having the identical effective date will be processed in the following order:

1. Increases in salary based on merit.
2. Reclassifications or overall adjustments to the compensation plan.
3. Promotions or demotions.

[Personnel Div., Rule XVI Section A subsec. 3, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

NRS 284.105 (official roster) states in part, "Duties of director.

2. (f) Establish and maintain a roster of all employees in the public service. The roster must set forth, as to each employee:

- (1) The class title of the position held.
- (2) The salary or pay.
- (3) Any change in class title, pay or status.
- (4) Other pertinent data."

284.714 Official roster open to inspection.

1. The official roster of employees in the public service maintained by the department of personnel is a public record and will be open to inspection under reasonable conditions during business hours in the department's offices or the offices where the records are kept.
2. Except as provided in subsection 3, the roster must contain, for each employee:
 - (a) His name;
 - (b) The class title of the position he holds;
 - (c) His salary or pay;
 - (d) Any change in his class title, pay or status; and
 - (e) Other pertinent data as determined by the director.

3. For public inspection purposes, the roster may exclude the actual names of employees who are in sensitive law enforcement positions where public access to the employees' identities could jeopardize their personal safety or job performance, in which case the employee will be shown on the roster as an unidentified employee. [Personnel Div., Rule XVI Section B, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

NRS 613.075 states, "Inspection by person who is subject of records; provision of copies upon request; cost of copies; person permitted to submit written explanation in response to information in records and to challenge accuracy; limitations.

1. Any person or governmental entity who employs and has under his direction and control any person for wages or under a contract of hire, or any labor organization referring a person to an employer for employment, shall, upon the request of that employee or person referred:

(a) Give him a reasonable opportunity, during the usual hours of business, to inspect any records kept by that employer or labor organization containing information used:

(1) By the employer or labor organization to determine the qualifications of that employee and any disciplinary action taken against him, including termination from that employment; or

(2) By the labor organization with respect to that person's position on its list concerning past, present and future referrals for employment; and

(b) Furnish him with a copy of those records.

The records to be made available do not include confidential reports from previous employers or investigative agencies, **other confidential investigative files concerning the employee or person referred** or information concerning the investigation, arrest or conviction of that person for a violation of any law.

2. **An employer or labor organization shall allow the an employee or person referred to submit a reasonable written explanation in direct response to any written entry in the records of employment regarding the employee or person. Any such written explanation must be reasonable in length, in a format prescribed by the employer and maintained by the employer or labor organization in the records of employment.**

3. **An employer or labor organization shall not maintain a secret record of employment regarding an employee or person referred.**

4. Upon termination of employment, an employer shall allow an employee to inspect those records within 60 days after his termination of employment and, subject to the provisions of subsection 5, shall, if requested by that former employee within that period, furnish him with a copy of those records.

5. An employer or labor organization may only charge **an employee or person referred** an amount equal to the actual cost of providing access to and copies of **his records of employment.**

284.718 Confidential records.

1. The following types of information, which are maintained by the department of personnel or the personnel office of an agency, are confidential:
- (a) Information relating to salaries paid in other than governmental employment which is furnished to the department of personnel on the condition that the source remain confidential;
 - (b) Any document which is used by the department of personnel or an agency in negotiations with employees or their representatives which has not been made public by mutual agreement;
 - (c) The rating and remarks concerning an applicant by the individual members of the board or assessors of a center for assessment;
 - (d) Materials used in examinations, including suggested answers for oral examinations;
 - (e) Reports by employers, appointing authorities or law enforcement officials concerning the hiring, promotion or background of applicants, eligible persons or employees;

284.854 Request for appeal and other communication.

A request for an appeal or other pertinent communication directed to the commission must be addressed to the director within 30 days after receipt of the director's decision.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.858 Time and place; notice; provision of reasonable accommodation to party with disability.

1. The chairman of the commission will convene the hearing at the time and place specified for the purpose of hearing the appeal.
2. A written notice of the time and place of the hearing must be given to each party at least 10 days before the date of the hearing. The notice must contain the information required for a party to request reasonable accommodation.
3. The chairman shall provide reasonable accommodation to a party with a disability who requests such accommodation within the time sufficient to make the accommodation.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-6-92)

284.862 Hearings open to public.

Except as otherwise required or permitted by chapter 241 of NRS, all hearings are open to the public.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.866 Commencement of hearing.

At the beginning of the hearing, the chairman of the commission:

1. Shall state the subject of the hearing and identify the parties; and
2. May, with the agreement of the parties, read into or submit for the record items of preliminary or explanatory correspondence relevant to the subject of the hearing.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.870 Appearance and representation of party; manner of hearing.

1. A party may appear in person or may be represented by an individual of his choice, or both appear and be represented.
2. The matter will be heard in the manner prescribed by the commission.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.874 Decision of commission.

At the conclusion of the hearing, the commission may take the case under submission and will notify the parties in writing within 30 days after the date of the hearing of the commission's decision.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

USE OF ALCOHOL OR DRUGS

NRS 284.406 states, "Policy concerning use of alcohol or drugs by state employees. It is the policy of this state to ensure that its employees do not:

- 1. Report for work in an impaired condition resulting from the use of alcohol or drugs;**
- 2. Consume alcohol while on duty; or**
- 3. Unlawfully possess or consume any drugs while on duty, at a work site or on state property."**

INFORMATIONAL NOTE: Also see NRS 284.4061 through NRS 284.4068.

284.880 Definitions.

As used in NAC 284.882 to 284.894, inclusive, unless the context otherwise requires:

1. "Employee" has the meaning ascribed to it in subsection 1 of NRS 284.4061.
2. "Screening test" has the meaning ascribed to it in subsection 2 of NRS 284.4061.
(Added to NAC by Dep't of Personnel, eff. 12-26-91)

284.882 Administration of screening tests.

A screening test to detect the general presence of:

1. A controlled substance must comply with the standards and procedures established by the **Department of Health and Human Services** which are hereby adopted by reference. A copy of the standards and procedures is available, without charge, from the **Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, Division of Workplace, 5600 Fishers Lane, Parklawn Building, 13A-54, Rockville, Maryland 20857.**
2. Alcohol by testing a person's breath must be conducted by an operator certified in accordance with NAC 484.640 using a breath testing device certified in accordance with NAC 484.600 and NAC 484.660.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A 10-27-97)

284.884 Maximum allowable concentrations of alcohol in blood or breath of employee: confirmation of positive result on screening test of breath.

1. Except as otherwise provided in subsections 2 and 3, an employee must not have a concentration of alcohol in his blood or breath greater than .05 gram by weight of alcohol per 100 milliliters of his blood or per 210 liters of his breath while on duty. Disciplinary action may be taken by the appointing authority who has a reasonable belief that an employee is under the influence of alcohol or drugs in accordance with the provisions of NAC 284.888 if a screening test indicates that the concentration of alcohol in the blood or breath of the employee is greater than .05 gram by weight of alcohol per 100 milliliters of his blood or per 210 liters of his breath while on duty.
2. An employee who is required to be certified by the peace officers' standards and training committee must not have a concentration of alcohol in his blood or breath greater than .01 gram by weight of alcohol per 100 milliliters of his blood or per 210 liters of his breath while on duty. Disciplinary action may be taken by the appointing authority who has a reasonable belief that an employee is under the influence of alcohol or drugs in accordance with the provisions of NAC 284.888 if a screening test indicates that the concentration of alcohol in the blood or breath of the employee is greater than .01 gram by weight of alcohol per 100 milliliters of his blood or per 210 liters of his breath while on duty.